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sister that she might afterwards wear them ; if you believe she did an act which shocks every sentiment and feeling of our common nature, there is probably nothing else you would have any difficulty in believing against her. There are, no doubt, great difficulties in believing it. The sister who witnessed it never mentioned it until after she had made her statement for the bishop, and it seems incredible that it should have been done in the presence of a witness. But it is for you to judge of this and every other part of this painful story.

The Lord Chief Justice then went on to advert to the charges as to stealing the children's dinners, and to the contradictory evidence, and in like manner he put to the jury whether there had or had not been untruth, and whether, even if the charge was not true in fact, there was reasonable ground for believing it. No doubt, he said, these were charges of acts of a most disgraceful character, and if the jury believed that they were not only unfounded, but trumped-up, they would have to consider what damages they could award to the plaintiff as compensation for such atrocious imputations. Upon that they must form their own judgment. After adverting to the commission (in which he said he thought there had been a sad miscarriage of justice in not producing the nuns to be examined), the Lord Chief Justice went on to lay down—as to the conduct of the defendants in sending in the statements to the bishop—that they would not be liable either on the count for libel or conspiracy if they sent in the statements honestly and *bonâ fide*. Adverting to the incident of the taking away the plaintiff's ring, he said he thought it was an act of unnecessary cruelty and harshness. After noting the other matters as to the alleged imprisonment, &c.—leaving them to the jury—the Lord Chief Justice, in conclusion, made an earnest and eloquent appeal to the jury to decide the case dispassionately. The case, he said, is in your hands. All I ask of you is, that you allow no prejudices to influence you or your judgment. The current of popular feeling, the echoes of which have been heard within these walls, ought to find no entrance here. The cries of an unthinking populace ought to find no response in the breasts of twelve honest and intelligent men, who have come to discharge, and will discharge, one of the most solemn duties men can be called on to discharge, only according to their right sense of truth and the dictates of their unfettered consciences ! All I ask of you is to hold, as I in my province have endeavoured to hold, the scales of justice equal and even, and, having so adjusted them—as right, and truth, and justice require—let them incline the one way or the other.

The jury retired to consider their verdict, and were absent from court for more than an hour. On their return they delivered in a verdict for the plaintiff on the counts for conspiracy and libel, for 500*l.*, including, however, the 300*l.* the amount of the dowry—so that the net amount of the verdict is 200*l.* They found for the defendants on the minor counts.

The moment the verdict for the plaintiff was known, it was communicated like lightning to the multitude outside, and a loud cheer was heard reverberating through Westminster Hall. Thus ended this extraordinary case, which, while it lasted, caused an excitement quite unprecedented within living memory. The Lord Chief Justice expressed his high acknowledgments for the services of the police on the occasion.

THE END.

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THE

# ROAD MURDER;

BEING

A COMPLETE REPORT AND ANALYSIS

OF THE

VARIOUS EXAMINATIONS AND OPINIONS OF THE PRESS  
ON THIS MYSTERIOUS TRAGEDY.

BY

A BARRISTER-AT-LAW.

ILLUSTRATED.

"I have heard  
That guilty creatures, sitting at a play,  
Have, by the very cunning of the scene,  
Been struck so to the soul, that presently  
They have proclaimed their maledictions:  
For murder, though it have no tongue, will speak  
With most miraculous organ."

HAMLET.

LONDON:

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# THE ROAD MURDER.

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THE public mind throughout Great Britain has been so intensely occupied with the incidents of the Road-hill House murder that the faintest light thrown upon that fearful mystery would produce universal excitement. We cannot pretend even to hint at the discovery of a clue for, up to the present moment, the darkness of the deed remains as complete as ever. In all directions the path of inquiry is crossed by a shadow, beyond which all is silence and gloom. We cannot even trace a single footstep of the unknown murderer. The ways he went and came that awful night are as free from the vestige of his passage as though he had been a phantom emerging from a grave to do its spiriting of wickedness and then again hiding in the earth. But the secrecy of this crime, in addition to the impunity which it confers upon an assassin, leads to other serious and regrettable consequences. Public opinion, impatient to detect the culprit, puts one individual after another upon trial, and acquits or condemns with random precipitancy. Village gossip, tavern conjectures, the whispers of malice, distortions of evidence, police surmises, and a hundred other elements enter into the controversy, and it is not too much to say that, by turns, every member of an unhappy household has been blasted by one of these theories of suspicion. There are those who persist in affirming the guilt of Constance Kent. Others, with equal dogmatism, denounce Elizabeth Gough, though both have been examined before the magistrates, and discharged. A third set of individuals, ready at guess-work, seek with audacious ingenuity to fasten the act upon the head of this most miserable family. Some point outside the mansion, and circulate the names of comparative strangers—all forgetting that this is contrary to every principle of English justice. Moreover, they disregard the fact that the circumstances upon which they base their reckless assumption are not evidence at all in reality. Few lawyers would introduce them into a speech for the prosecution, and, if they did, no judge would present them for consideration to the jury. Indeed, many persons who have been writing to the newspapers letters, each paragraph of which may be a stab at the heart of an innocent individual, have made allegations which, next day, are sure to be altogether fabulous. The popular sentiment clamours for a victim. The question uppermost seems to be, not "Who is guilty?" but "Whom shall we hang?"

We shall avoid offering any opinion, or suggesting any suspicion, as to the individual who perpetrated the murder. The mystery will one day be solved, let us hope; and the punishment of the crime awarded. Our task is simply to comment on the testimony of the several witnesses. In the first place, the detectives were rash and cruel in arresting Constance Kent before they had even the skeleton of a case made out against her. A nightgown was missing. Upon the strength of that one circumstance she is charged with the most dreadful of all felonies. Literally, there was not a particle more, even of circumstantial evidence. We are not assuming her innocence any more than we are begging the question of her guilt. We deal with the matter as one of proof, and would any barrister in England have taken upon himself, at the persuasion of Mr. Inspector Whicher, to arraign that young girl as a murderess? It appears to us that the investigation which took place with respect to her was purely experimental. Next, as to Elizabeth Gough, twice arrested and twice discharged. What became of all Mr. Solicitor Slack's solemn and secret inquisition? That a piece ofannel, discovered on the scene of the murder, fitted the nursemaid's bosom, as it also have fitted the bosoms of the elder Misses Kent, who were never personally examined by the lynx-eyed Mrs. Dallimore. That was the whole of the fresh evidence. Therefore, most righteously and wisely, the accused was set free, and the

public mind was again left to wander in a labyrinth of conjectures. Amateur detectives, keen-witted, forensic readers of the newspapers, local quidnuncs and sharp-eyed idlers, began writing to the journals complaining that the mystery remained unsolved, and protesting how much better they themselves could have conducted the investigation. We have not traced through this mass of voluntary suggestions a single line tending to the conviction of the guilty person. There is an abundance of conjecture, but there is not a particle of evidence. In point of fact, until entirely new discoveries are made, we can perceive no probability, or even possibility, of advancing any farther the course of justice. It might be that, by offering a reward of unprecedented magnitude—say £5,000—with a free pardon to any accomplice not being the actual murderer, who shall turn Queen's evidence, a clue might be obtained. Again, the mansion being kept under strict *surveillance*, there is a chance that some one may be caught in the act of digging up a knife, or some article of apparel, or secreting, or attempting to burn something connected with the assassination of poor little Francis Saville Kent. There was undoubtedly a weapon—a knife, a dagger, or a scythe, employed; there were, in all likelihood, stains of blood upon the murderer's garments; not a trace of either has hitherto been detected. It is true that certain individuals may have had opportunities for destroying them, but even the most astute criminals generally leave some flaw in their precautions, and help to convict themselves. William Palmer fancied himself invulnerable by the law, and went on poisoning for years. In the same manner impunity may, sooner or later, loosen the tongue and relax the caution of the Road-hill culprit, and the story may then be told. We seriously trust that such may be the result, and, as one means to the end, it may be suggested that a woman should be established in some trade or occupation at Road who, acting as a female detective, might, unknown to the public, watch every movement around the mansion now haunted by the infamy of an undiscovered murderer. But, in the meanwhile, it is most unjust and inhuman to bandy suspicions against individuals whom the police ought either to arrest and accuse, or whose names ought to be exempt from the insinuations of anonymous correspondents totally unqualified to criticise the decisions of the Wiltshire magistrates, the Home-office, and the judicial authorities at large.

The questions arising out of this Road-hill Murder mystery, as affecting particular individuals, and which the judicial inquiries have not yet cleared up, may be arranged almost in a tabular form.

#### WITH REGARD TO MR. KENT:

1. Was he seen out of his house in the morning, before the discovery of the murder?
2. Why did he order his carriage and seek a policeman at a distance, when one lived nearer?
3. What sort of carriage was it?
4. Who ordered it?
5. Who got it ready?
6. Who saw him get into it?
7. Was he alone?
8. Which way did he go?
9. Has the route of the carriage that morning been thoroughly searched?
10. Why, if the nurse had suffered the child to be taken away while she slept, was no indignation manifested against her?
11. Why was not she, who slept in the room with the murdered boy, suspected by Mr. Kent?
12. Why were the policemen locked up in the back part of the house?
13. Why was the gas burning at an unusual hour on the night of the murder?
14. Why did Mr. Kent discharge the boy Alladay on the day after the perpetration of the crime? and why has not that boy, who came earliest in the morning and cleaned the knives, been examined?
15. Was the fire put out in the library before the police were locked in the kitchen?

#### WITH REGARD TO ELIZABETH GOUGH:

1. How could the child have been taken from her bed while she slept?
2. How was the blanket withdrawn?
3. Why was the bed-clothing so carefully smoothed and folded down?



4. How was it that, if a strange person entered the room, the door handle was not heard to creak?

5. Why was Elizabeth not surprised when, at five o'clock in the morning, she missed the child?

6. Is she or Mrs. Kent to be believed with regard to the alleged habit of the former of fetching the little boy from the nursery?

7. Did she knock two or three times at her master's door at a late hour without being answered, as she swears, and as they, upon oath, deny?

8. Was the chest flannel really hers; if so why was it found under the body?

9. Could she, from her own bed, have seen the child in the cot?

#### AS REGARDS MISS CONSTANCE:

1. What became of the night-dress?

These questions have not been satisfactorily answered, yet they all bear directly on the problem of the murder.

We now come to the point whether the investigation of this mystery has been competently conducted.

1. The Coroner's Inquest was a bungle. It was got over in an afternoon; an open verdict was returned; neither the male nor the female inmates of the house were previously stripped and searched as the occurrence of a felony on the premises warranted. Only seven witnesses were examined—the nurse and nursemaid and the two younger children being the only members of the household put upon their oaths. Time was thus given for the suppression of evidence.

2. The arrest of Constance Kent was a blunder. Whatever suspicions existed the proceedings were hastily taken, and the zeal of the police may possibly have defeated its object.

3. Mr. Slack's inquiry, besides being unconstitutional, was an error of policy, because he could only take voluntary evidence, not given upon oath, and had no power to insist upon a reply to his questions.

4. Elizabeth Gough was arrested upon insufficient grounds, and the inquiry was precipitated, whereas more caution and delay might have resulted in further elucidations.

5. The authorities, from first to last, have collected the evidence bit by bit, instead of at once removing the entire family from the house, occupying it with police, allowing no unauthorised person to enter either the mansion or the grounds, and subjecting the whole to an exhaustive search.

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We now proceed to connect the various episodes of this mysterious history, and we begin with the original announcement of the murder in the local newspapers.

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The usually tranquil neighbourhood of Road has just been fearfully agitated by the discovery of an appalling murder done on the body of an interesting boy four years of age, named Francis Saville Kent, youngest son of Mr. Kent, Sub-Inspector of Factories, residing at Road, near Frome, and just on the borders of Somerset. The following particulars have transpired respecting this frightful tragedy, which for cold-blooded cunning and cool deliberate cruelty has seldom been surpassed in the annals of crime. It appears that Mr. Kent has been twice married, and that his family consisted of seven children, four of whom, viz., three girls and one boy, are children by a first wife; the two youngest, Constance and William, having just returned from school. It may be remembered that these two children, about three years ago, through some alleged unpleasantness at home, ran away, the girl having cut off her hair and otherwise disguised herself as a boy; but they were stopped at Bath, and taken home again. The other members of the family are two little girls and the deceased, children by the present Mrs. Kent.

On Friday night the family went to bed as usual, the housemaid having, as is her duty, seen all the doors and windows properly fastened. In one of the bedrooms slept the nursemaid, and in the same room the deceased in a little cot, and in another part of the room another child in a second cot. On the same floor slept Mr. and Mrs. Kent. All the family appear to have gone to bed in perfect unanimity. About 11 o'clock Mrs. Kent went into the room, remarking to the girl that the comet was visible. Having remained there a few minutes, she left the room, previously kissing her son in his crib, as was her custom. The father soon after looked in and kissed him, and every one retired for the night. Nothing occurred during the night to excite alarm. In the morning, however, about 6 o'clock, the nursery maid knocked at the door of the parents, and asked



in a collected manner whether they had Master Francis in their room, as he was not in his crib. The impression of the child's body still remained on the bed and pillow, but the under blanket was gone, and the coverlid carefully folded down. They replied that they had not seen him, and remarked that he must be somewhere in the house. The house, however, was searched to no purpose; and, in continuing the search, the body of the hapless child was found in the privy, wrapped in the blanket, his head nearly severed from his body, and his breast stabbed through with a knife or some such sharp instrument. The body was cold, having been dead about five hours. Some pieces of newspaper, with smears of blood upon them, were picked up in the vault of the closet, where there was also a great quantity of blood. The privy was searched most minutely, and the only result was the discovery of an unrecognised piece of flannel. It was supposed at first that this article might lead to the detection of the person who committed the murder; and the laundress of the family was sent for to identify it; but she positively declared she never washed such an article for any of the family.

Information was immediately forwarded to the police, when Mr. Superintendent Foley, of the Trowbridge force, was soon on the spot with a staff of men, and took charge of the body and clothes, and all connected with it that had been found, and immediately communicated with George Silvester, Esq., coroner, of Trowbridge. An active and diligent search was then made by the police all over the premises and grounds for the instrument with which the deed had been committed, but their search proved fruitless. Every inmate of the house was also searched by male and female searchers, but not a spot of blood, or the slightest clue tending to criminate any one in the commission of the crime, could be found.

How an individual could have taken the child from his cot, placed the bed clothes tidily, carried him through the drawing-room (which is on the ground floor), across the lawn, through a shrubbery and stable-yard, where a watch dog was loose roaming about, thence into the water-closet, deprive the child of life, and decamp, without leaving behind them the slightest clue to their guilt, or disturbing the inmates, or awakening the child, or coming into collision with the dog,—is a mystery indeed!

The route from the drawing-room window, to the place where the body was found deposited, is a circuitous one, and, to a stranger, as we found it, quite a labyrinth; so that it is clear the murderer must have been acquainted with the premises. The strangest part of the story is that no stain of blood has been found on any of the household linen; nor is any knife or razor missing. And yet Mr. Parkins, the surgeon who was sent for from Beckington, declares it to be his opinion that had a skilful surgeon inflicted the injuries, he must have been covered with blood. Doubtless, further search may throw light on this strange transaction; but at present its object, motive, and perpetrator, are alike wrapt in profound obscurity.

We understand that in the morning when the child was missed, and before a policeman arrived on the premises, the father drove off to Trowbridge (a distance of four or five miles), asserting that the child had been stolen, and for the purpose, as he intimated, of requesting Mr. Foley to send out men to scour the neighbourhood. As he was returning from his interview with Mr. Foley, he met a messenger who told him that the body was discovered. This feature of the case is explained by the fact that he has been in the habit of consulting Mr. Foley as often as he thought that gentleman could be useful to him. Of course the search pursued under these circumstances cannot have been so satisfactory as if no one had left the premises.

It will be seen from the evidence that the witnesses were subjected to a rigid cross-examination, both by the Chief Constable of Wiltshire, Captain Meredith, and the jury, for the purpose of ascertaining whether their food or drink had been tampered with to produce sound sleep, but their evidence remained unshaken, and not the shadow of suspicion rests upon any of them respecting the blood of this murdered innocent.

On Monday morning the inquest was opened at the Red Lion Inn, Road, but owing to the want of room, adjourned to the Temperance Hall before George Silvester, Esq., coroner, and a respectable jury, the Rev. Edward Peacock, of New Church, foroman. The jury having been sworn, proceeded to view the body. It was that of a pretty little boy, but it presented a horrible spectacle, from its hideous, gaping wounds, which gave it a ghastly appearance; still, the child's face wore a placid, innocent expression, clearly indicating that the ruthless hand of the midnight assassin effectually accomplished its demoniacal deed at one fearful blow, nearly severing the little head from the body, while the child was still asleep.

D. Rodway, Esq., solicitor, of Trowbridge, watched the case on behalf of Mr. Kent.

The following evidence was adduced:—

Sarah Cox, housemaid to Mr. Kent, deposed: It is my duty to fasten the front of the house, and in the evening of Friday, the 29th of June, I fastened the windows and shutters and doors of the drawing-room. The windows could not be opened from the outside without damaging the glass and woodwork. There has been no disagreement between myself or any of my fellow-servants and our mistress. On Saturday morning, the 30th of June, I came down stairs at five minutes past 6, and found the drawing-room door open, and the shutters and window slightly so. When I went to bed on Friday night, I left my master and mistress

up. When I discovered the door open in the morning, I informed Mr. Kent, and he came down stairs.

Elizabeth Gough said : I have lived with Mr. Kent, as nurse, for the last eight months. The deceased child was a cheerful, happy boy, and slept in a child's crib in the same room as myself. I put him to bed on Friday last at 8 o'clock; he was then well and happy. I went to bed at five minutes after 11, but previously looked at deceased, who was asleep. Mrs. Kent came and kissed the children before I was in bed. I awoke at 5 o'clock in the morning; the nursery door was a little open, and I immediately missed the deceased from his crib. The impression of his body still remained, and the bedclothes were placed neatly, as if I or his mother had done it. The nightshirt and flannel waistcoat I put the child to bed in were gone; the piece of flannel produced does not belong to the house. On missing deceased, I went to his mother's room, expecting she had taken him when I was asleep. Not finding him there, I searched through the house and grounds. In the drawing-room I noticed impressions of foot-marks like a man's boot with hobnails, but I could not discover any foot-marks on the lawn outside. I am a light sleeper, and generally hear any movement of the children or cries. Mr. and Mrs. Kent slept on the same floor as myself, and the deceased and a little girl in my room. On the second floor slept two elder girls in the same bed, and Constance, another girl, in a room by herself. The cook and housemaid also slept in one bed, and Wm. Saville, a boy fifteen years of age, in a room by himself. A watch-dog is loose at night, and can roam round the back of the house; I did not hear the dog bark on Friday night.

By Captain Meredith : The dog appeared as well in the morning as he always is. I took a little bread and butter and water for my supper on Friday night. I had my tea upstairs. I did take one cup of tea in the kitchen with the cook, standing, as I sometimes do when she asks me. I slept very soundly on Friday.

Thomas Benger, yeoman, of Road, said : On Saturday last I went with others to Mr. Kent's premises, at 8 o'clock. I searched through the shrubbery for the deceased child. On passing the privy, I noticed some blood of a dark colour upon the floor, and went in; I raised the lid of the privy and sent for a light; on passing my hand in the opening I felt a blanket, which I pulled out, and then discovered the body of the deceased, dressed in a nightshirt, and lying across the splash board on his side: the board prevented the body falling lower down. I observed a wound in deceased's throat, and blood and soil over the body; we wrapt the body in the blanket and carried it into the kitchen. I and some other men emptied the fall of the privy, but found nothing uncommon in it.

Stephen Millett, butcher, of Road, deposed : I am parish-constable of Road. Having heard of the murder of the deceased, I went on Saturday morning to the premises of Mr. Kent, and made a search with the view to find anything that the deed might have been effected with, but was not successful; outside the privy I found the bloody piece of paper produced; on the floor were about two tablespoonfuls and some spots of blood. The quantity of blood on the floor and blanket is as much as could come from a child of that description—the whole quantity, I should think, is three half-pints.

By a jurymen—I think it possible that the murder was committed in the closet. My impression is that the child was held with his legs upwards, and his head hanging down, and his throat cut while in that position. (Sensation.)

Elizabeth Gough recalled : I do not know these pieces of paper. Master takes in the *Times*, *Civil Service Gazette*, and sometimes a *Frome* paper. [The pieces of paper produced were not portions of any of the above-named newspapers.]

Mr. Joshua Parsons, surgeon, of Beckington, deposed : On examining the body of deceased I found two superficial cuts on the left hand. The throat was cut from ear to ear; every structure down to the spine was severed. I also found a stab made by a long and strong-pointed instrument, which passed through the cartilages of two ribs, the diaphragm, and wounded the external coat of the stomach. The wound must have been made by a dagger or pointed knife. (Sensation.) I am of opinion the throat was first cut, which would cause instant death. I should say death had taken place quite five hours before I saw the body about 9 a.m. on Saturday. I am also of opinion that sufficient blood has not been discovered to account for the mode of death. There was a blackened appearance round the mouth of the deceased, such as we do not usually see in dead bodies, as if something had been pressed tightly against it. A sufficient quantity of blood on the blanket, and the floor and wall of the water-closet, has not been accounted for, as would have flowed from the body if the throat were cut in the closet, as blood from the arterial vessels would have produced a greater quantity of sparkles on the wall than have been spoken of. If a quart of blood had been accounted for, it would not have been the whole of the blood in that child. I do not think the child had a blow in the head before its throat was cut; if it had I should have seen the mark.

Mr. Superintendent Foley, of the Trowbridge police, said that he could reconcile the apparent difference in the evidence respecting the quantity of blood found in the closet, as he was the first who disturbed the soil.—When I first examined the vault I found a large quantity of paper, as much as would cover this table (about two yards in circumference)



nearly covered with blood ; below was four or five feet of water. I have no doubt whatever that the murder was committed in the closet, and that the child was brought there alive.

A discussion here took place between the coronor and the jury respecting the expediency of taking further evidence, which the former thought unnecessary, but the majority of the jury expressed a wish that the two younger members of the family should be examined. The coronor thought it would inflict unnecessary pain on the family, but yielded the point, suggesting, however, that they should be examined at the house, instead of coming into court. The jury did not object to that course, and proceeded to the house, where, in the kitchen, the following witnesses, deceased's brother and sister, were examined :—

Constance Emily Kent, sworn, said : I am sixteen years of age, and am sister to the deceased. I knew nothing whatever of his death until he was found. I retired to bed about half-past 10 o'clock on Friday night last. I did not hear anything during the night. I slept soundly. It was between 8 and 9 o'clock on Saturday morning when I first heard anything about the occurrence. I arose about half-past 6 in the morning. I did not leave my bed, or hear any noise, or anything unusual until then. I know nothing whatever of the murder. I know of no particular disagreement in the house between the members of the family. I found the nursemaid generally quiet and attentive, and perform her duties in every respect as could be wished.

William Saville Keut, sworn, said : I am fourteen years of age, and brother to deceased. I retired to bed on Friday night last at half-past 10 o'clock. I slept all night soundly, and got up at 7 o'clock the following morning. I did not hear of this circumstance till I was coming out of my room. I did not get out of my bed at all during the night of Friday. I did not sleep on the same floor as the deceased, but the floor above. I knew nothing nor heard anything of this circumstance till the morning—I wish I had. The deceased was a great favourite with all. I have always found the nursemaid very kind and attentive. I know nothing whatever of the murder.

By Captain Meredith : I do not sleep with my bedroom door locked ; but I did lock it, last night from fear.

The jury then returned to the Temperance Hall, no other evidence being desired.

The Coroner, in summing up, said it was necessary for the jury to divest their minds of every impression, and decide alone by the evidence before them ; and having reiterated the facts as stated in the evidence above given, he continued—The jury would recollect that the drawing-room door was not only locked and bolted, but the shutters were barred, so that it was impossible for any one to have gained ingress from the outside ; and besides, there were no holes in the shutters from a centre-bit or otherwise, nor was the woodwork injured. The servant, however, found the door ajar in the morning, the iron bars unloosed, and the window open about a foot. Possibly some one unlocked and unbolted the door, and unfastened the window ; but whether that was done for the purpose of carrying the child through did not appear. There was not room between the front of the closet and the board of the floor for the body to descend, and consequently it was prevented, which led to its being discovered. It was doubtless the intention of the individual who brought the body there that it should go to the bottom, for the purpose of secrecy ; if it had gone to the bottom it would not have been seen, and its discovery would consequently have been delayed. There seemed to be some sprinkling of blood upon the floor in front of the closet. If the blows had been inflicted in the closet, there must have been some blood in other parts of it—if, in the house, there must have been appearances of blood in some place or other besides in the closet ; but he was inclined to believe that the blows had been inflicted in the closet ; and, if so, it was possible for the individual to staunch the blood which flowed from the wounds with the blanket in which the child was wrapped. It appeared some footsteps had been seen on the carpet in the drawing-room, but that did not result in anything ; they had been accounted for by persons going in and out on the morning of the discovery. Then, with regard to the difference of opinion respecting the quantity of blood ; Mr. Parsons was of opinion there was not a sufficient or adequate quantity of blood accounted for which this child had lost. He (the coronor) thought there was a great quantity on the blanket and other articles of linen ; and Mr. Foley accounted for the discrepancy by saying that he was the first to examine the vault of the closet, and that there was a great quantity of blood there. In conclusion, the coronor said—Gentlemen, this is a most mysterious and atrocious murder, committed by some person or persons ; but I fear it will not fall to your lot, under the present aspect of the case, to criminate any person or persons. The cause of death is apparent to you ; but the mystery lies in this—what cause or motive could have induced the perpetrator of the deed to have murdered a child three years and ten months old in this way ? If a woman has an illegitimate child, she may be induced to kill it, for the purpose of concealing her shame from the world ; there you have a motive or cause, which you are not startled at. And, again, if a midnight burglar enters your house, and commits murder, it is for the purpose of enriching himself with your property ; there again you have a cause or motive. And as in this country, where children are poisoned by their parents for the purpose of just saving themselves from the cost of their maintenance ; you have there a cause or motive. Now, it seems to me that some one might have secreted themselves in the building, and, having some malicious feelings

towards any members of the family, for the purpose of wreaking their spleen or vengeance, they may have taken this little boy out through the drawing-room to the closet, there murdered him and cast him in, with the object of concealing the body. It would, indeed, have been malicious to have wreaked vengeance in this manner on an innocent child of those tender years; what offence could it have offered to anyone? But this is only supposition; we have no proof of it; the matter remains enveloped in the deepest mystery. It is the most extraordinary and mysterious murder that has ever been committed to my knowledge. It would have been a satisfaction to you and me to have traced this crime to the perpetrator of it; but as you cannot do that, you will return as your verdict that this murder has been wilfully committed by some person or persons unknown.

A Juryman: There is a strong suspicion on my mind, for it is clear no one could have got into the house from the outside.

The Coroner: Whatever suspicion you may have in your mind must not influence you in giving your verdict. You must remember that suspicion is not proof. We have no direct evidence before us whatever, circumstantial or otherwise, and you must, therefore, decide upon that which is before you, and that alone. I have no doubt in my mind but that sooner or later the mystery in which this crime is at present enveloped will be cleared away, and the author or authors of it be brought to light; for if no mortal eye saw the deed committed, the eye of Providence saw it, and punishment will await the guilty.

The jury fully concurred with the coroner, and returned a verdict of "Wilful murder against some person or persons unknown."

The jury were then discharged, and the vast crowd dispersed, manifesting audible signs of disappointment at the escape of the guilty party or parties inculpated in the commission of this horrid deed.

The police are actively engaged in the matter, and no doubt the mystery will shortly be unravelled.

On Tuesday, at the urgent request of Mr. Kent, a body of Wilts police, under the direction of Mr. Superintendent Foley, renewed the search of the premises and grounds adjoining, but nothing further has been elucidated to throw a light on the matter.

The metropolitan detective force having been employed in conjunction with the Wiltshire police, suspicions were directed against Miss Constance Kent, who was, upon a warrant, taken into custody and charged with the murder.

### APPREHENSION OF MISS CONSTANCE KENT FOR THE MURDER.

Since the above was written, the entire aspect of the case has been changed by the apprehension of Miss Constance Kent for the murder of her brother, under a warrant issued at the instigation of Inspector Witcher. This step was taken at the adjourned meeting of the magistrates held yesterday at the Temperance Hall, Road. The Bench met at 11 o'clock, when the reporters were informed that a private consultation was about to be held, the result of which would be communicated at its termination. Throughout the whole of the morning, and for the greater portion of the afternoon, the magistrates were consulting with Inspector Witcher, Captain Meredith, and Mr. Superintendent Foley. In the meantime the other police engaged in the case were running hither and thither, and it soon became rumoured abroad that some decisive course was about to be taken, the nature of which no one could surmise. Groups began to assemble from all parts of the village, and the Temperance Hall towards 3 o'clock was surrounded by a comparatively large crowd of persons, the majority of whom, it must be confessed, seemed to be of opinion that it could be no other than Mr. Kent that was to be taken into custody, the feeling against him being very strong all the county round. This idea was, however, shortly after dispelled.

At half-past 3 o'clock Inspector Witcher, who a short time before had gone to Mr. Kent's house, was seen approaching the Temperance Hall, with a young lady on his arm, dressed in deep black. The excitement amongst the crowd was intense; "Tis Miss Constance" was speedily heard in various quarters, mingled with tones of pity and commiseration, as the young lady, weeping and with her head bent down, passed through the groups of people, followed by Captain Meredith, Mr. Superintendent Foley, and the Inspector. Into the Temperance Hall she was led, the crowd pressing forward with great eagerness until the room was crowded in every part.

The prisoner was accommodated with a seat on the front form facing the magistrates, Mr. Witcher sitting on one side of her, and Mr. Woolf on the other. She looks to be about eighteen years of age, though it is said that she is only sixteen. She is rather tall and stout, with a full face, which was much flushed, and a dimpled forehead, apparently somewhat contracted. Her eye is peculiar, being very small and deep set in her head, which perhaps leaves rather an unfavourable opinion on the mind. In other respects there is nothing unprepossessing in her appearance, judging from her looks yesterday; at the same time, the fearful crime with which she stands charged doubtless modified in some degree the habitual expression of her countenance, the predominant characteristic of which is said to be sullenness. The young lady wore a black silk dress and mantle, trimmed with crape, and kept her veil down throughout the proceedings. She sat with her eyes fixed upon the ground, shedding tears, and never once looked up. Indeed, to judge from her demeanour, she seemed to feel her awful position most acutely, though she manifested no violent emotion from the time she was taken until she left, at the close of the inquiry.

The sitting magistrates were—H. G. G. Ludlow, Esq., Chairman; the Rev. R. Crawley, R. Walmesley, Esq., J. P. Stancomb, Esq., W. P. Stancomb, Esq., and G. W. Shepperd, Esq. Messrs.



Clark and Hale officiated as clerks to the magistrates. Immediately after the prisoner had taken her seat,

The Chairman, addressing her, said: Your name is Constance Kent?—The prisoner replied "Yes," in a scarcely audible tone.

Mr. Clark: I will read to you the information of Mr. Jonathan Witcher, inspector of the metropolitan detectives, who has taken you into custody, and this is the charge he has made against you:—"The information and complaint of Jonathan Witcher, of London, in the county of Middlesex, inspector of metropolitan detective police, taken and made before me, Henry Gaisford Gibbs Ludlow, Esq., one of Her Majesty's Justices of the Peace for the county of Wilts, the 20th day of July, in the year of our Lord 1860, at Road in the said county, who on his oath saith—I have been engaged since Sunday last in investigating the circumstances connected with the murder of Francis Saville Kent, which took place on the night of Friday, the 29th day of June last, at the house of his father, situated at Road, in the county of Wilts. From my examination of the premises, the scene of the murder, and from inquiries, and information received, I have reason to believe that the said murder was perpetrated by an inmate of the house; and I suspect that Miss Constance Kent is implicated in the crime, and I pray for a warrant to apprehend her."

The examination of witnesses was then commenced, but the evidence taken was merely sufficient to justify a remand.

The first witness called was Elizabeth Gough, who said: I am nurse to Mr. Kent; I recollect the 29th of June last, the night of the murder; I had the charge of the deceased and the two other children; I put them to bed at 8 o'clock; I saw him at five minutes past 11; he was then asleep in his cot, with his face towards the wall, and covered up properly; I retired to rest as usual; the door was not closed; Mrs. Kent shut the door when she came up into her room. It must have been half an hour after; at that time deceased was in his cot. I had not been to sleep; I always kept awake until the door was closed, when the door was shut I went to sleep. I missed the child at 5 o'clock the following morning; I had not awoken before from the time I went to sleep; sometimes I awake at that time and sometimes earlier—at that time deceased was not in bed; the little girl was laying uncovered on her pallet, and I knelt up in bed and covered her over; it was then I looked across and found that the child was gone. I then laid down until a little after 6 o'clock; I got up and dressed, and went and knocked at Mrs. Kent's door twice, but I got no answer; I then went and got some water and washed the second child and dressed her. Afterwards went again, at a quarter-past 7, and asked Mrs. Kent for the child: Mrs. Kent was in her dressing-room; then I first ascertained the loss of it. I did not see the child until it was brought in dead; it was the same child that I had seen the previous night lying in bed. [The witness, who appeared much affected, here shed tears, and resumed her seat.]

Wm. Nutt deposed: I am a shoemaker, residing at Road-hill. On Saturday, the 30th June, a man called at our gate in the morning and said that Mr. Kent had lost a child; having the affection of a father, I said, "I must go and hear further about this—I cannot think the child was stolen exactly." I went to the cross road and saw Mr. Kent going over to Trowbridge in a carriage, and a policeman and Morgan going into the lawn by the upper gate with others, and I followed them. I took the upper side of the lawn to the plantation, together with Benger. I walked to the bottom of the plantation and said to Benger, "If the child is not in the house we may as well look for a dead child as a living child." In the first instance I went to the closet, and with horror and amazement the first thing I saw was the pool of blood upon the floor. There was no great quantity of blood upon the floor. Benger said, "See, William, what we have got to see." I said, "Oh, Benger! it is over as I predicted." Benger said, "Go and fetch a candle, William, as fast as you can." I went to the house, and the first I saw was Mary Holcombe, the charwoman. I asked her to give me a candle. She said, "What is the matter, William?" I said, "Don't alarm yourself, Mary, I only want a candle for a minute to see what we can see." The cook lit me a candle, and I went to the closet as quickly as possible. As I held the light Benger said, "Look, William, here is the dear little fellow." The lid was down when we first went in. Benger took the blanket and laid it upon the seat. He then picked it up, and took the deceased into the house. The poor little fellow's throat was cut, and when we lifted it up, its head fell off, almost. Benger took the body into the house, and laid it upon the kitchen table. Miss Kent and Miss Elizabeth Kent (the two eldest daughters) came into the room, and observed the gash in the throat. I cannot describe the horror and amazement they seemed to be in. I thought they would fall, and I took them both round the waist. I went through with them into the passage. The constable and I went round the premises, but could not observe anything more. Several of the neighbours came into the kitchen and saw the child. The constable, the policeman, and the nurse were in the kitchen as well as the cook. That is all I know of it.

Mr. Jonathan Witcher then said: I have been engaged since Sunday last in investigating the circumstances connected with the murder of Francis Saville Kent, which took place on the night of the 29th June last, at the house of his father, situated at Road, in the county of Wilts. In company with Captain Meredith and Superintendent Foley and other members of the police force, I have made an examination of the premises, and believe that the murder was committed by some inmate of the house. From many inquiries I had made, and from information received, I sent for Constance Kent, on Monday last, to her bedroom, having just previously examined her drawers, and found a list of her linen, which I now produce, in which were enumerated amongst other things, three night dresses belonging to her, and I said to her, "Is this a list of your linen?" She replied, "Yes." I said, "In whose writing is it?" She said, "It is my own writing." I said, "Here are three night dresses, where are they?" She said, "I have two, and the other was lost in the wash, the week after the murder." She then brought me the two which I produce, and which I have since received from the washerwoman; I also saw a night-dress and a night-cap on her bed. I said, "Whose is this?" She said, "That is my sister's." The two she had before brought me were soiled; when I say soiled, I mean they had been worn.

This afternoon I again proceeded to the house, and sent for the prisoner into the dining-room; I said, "I am a police officer, and hold a warrant for your apprehension, charging you with the murder of your brother, Francis Saville Kent, which I will read to you;" I then read the warrant to her; she commenced crying, and said, "I am innocent," which she repeated several times; I then accompanied her to the bedroom, where she put on her bonnet and mantle, and I brought her to this place; she has made no further remark to me since. And I now pray (continued the witness), if you please, for a further remand of the prisoner, to enable me to collect evidence to show the animus the prisoner entertained towards the deceased, and to make inquiries respecting the nightgown, which, if in existence, may possibly be found; and to adduce any other evidence which may be brought forward at the next examination, at any time you may appoint.

The Chairman: What day do you appoint?—Mr. Witcher: Next Wednesday or Thursday.

The Rev. Mr. Crawley: Would next Wednesday do?—Mr. Witcher: Wednesday or Thursday; but there must be another examination after that.

The Chairman: Would that be ample time?—Mr. Witcher: A week is the ordinary time; perhaps you will say this day week.

The Bench assented.

The Chairman, addressing the prisoner, said: You have heard the evidence—of course I don't wish you to say anything—upon which this warrant has been issued, and upon which you have been apprehended and brought here. Have you anything to say to being remanded until Friday next at 11 o'clock at the same place, when further evidence will be brought against you?—The prisoner made no reply.

The Chairman: You will be sent, then, to the County Gaol at Devizes for that time.

The prisoner was shortly after removed in the custody of Inspector Witcher and Mr. Woolf, after which she was taken to Devizes Gaol in a fly.

### DISCHARGE OF MISS CONSTANCE KENT.

The magistrates began to assemble at 10 o'clock, and at half-past held a private consultation. At 11 the reporters were admitted, the accused having arrived a few minutes previously in a fly from Devizes in charge of the governor of the gaol.

Elizabeth Gough, on being sworn, repeated the evidence she gave at the inquest.

William Nutt was then sworn, and his evidence at the previous examination was read over to him. He was shown the depositions, and asked if the signature was his, but seemed disposed to disavow it. Ultimately he said if it was not his, it was very much like his writing. In answer to questions from the clerk, he stated—The written evidence was not correct; the part that was not is that which says Mr. Kent called and told me he had lost his child. I never saw Mr. Kent that morning. The correct statement is that Mr. Greenhill, who occupies the adjoining garden, came and told me something. [Mr. Edlin objected to his stating what, as not being evidence.] The other portion of the evidence was correct.

By the Chairman: After I and Bengier searched the shrubbery, I made the remark to him that after this I would search for a dead child as well as a live one. After the child was found I do not remember saying anything beyond that. "It was as we predicted; I had my thoughts before."

Cross-examined by Mr. Edlin: I am a shoemaker. I was in my shop when I first saw Greenhill, who stood at the gate. When I first heard him speak, he was talking to my father and mother, and overhearing something I went out to get further information. In consequence of what I heard, I went by myself to the cross-roads, towards Mr. Kent's house, to see who was standing about; there I met Bengier, and with him, of our own accord, went to Mr. Kent's premises. Bengier proposed that we should go on to the lawn, saying no one could be angry with us for looking for a lost child; he said so in consequence of my observing that I did not like to go. When we came to the bottom of the lawn, I predicted that we should find a dead child if we could not find a living one. I said this because I could not think any one would have stolen a child from a gentleman's house, as I was told by Greenhill. I recollect being examined here last Friday, but do not remember Mr. Clark reading over my evidence. I will not swear he did not. On being shown his signature to the depositions, and asked if it was his, he said it was similar to what I wrote, but in a firmer hand to what I believe I used. I did not state here last Friday that Mr. Kent came early in the morning and told me he had lost his child. Mr. Kent did not come early to me. I was induced to search the left side of the lawn first, because it was thicker set with shrubs; we went straight from the lower corner to the closet, where the first thing I saw was a pool of blood; I did not then look down the seat, but made the observation, "It is as I predicted." Bengier directed me to get a light. I then went to the scullery, met Mary Holkam, a charwoman, and asked for a candle. She said, "For God's sake William, what's the matter?" The cook, who asked a similar question, then gave me a candle, and I returned to the closet, where I found Bengier. I held the candle over the seat, while Bengier looked into the seat. I did not look in, because, as he held the lid, he lifted the blanket over it. Bengier was the first to speak, and said "Look here, look here, William!" and on looking, I saw the body of the child, and its head dropped back. I spread the blanket on the floor, and Bengier put the body on it, covered it up, and carried it into the house. I was not examined by the coroner. I was subpoenaed, but not examined.

The Chairman: The witness was examined last Friday, because Bengier was from home.

The court at this stage of the proceedings adjourned for half an hour. When the magistrates re-assembled, the first witness called was

Miss Emma Moody, who said: I live at Warminster with my mother. I know the prisoner; I was at school with her at Beckington; on the 17th or 18th of June I left school for the holidays.—The magistrates' clerk: Have you ever heard the prisoner make use of any expression of ill-feeling towards the deceased?—Witness: She disliked it through jealousy.—Mr. Edlin: That is not an



answer to the question. What did the prisoner say? The question having been repeated, witness said: I have heard her say that she disliked the deceased; that she pinched the children, and that she liked to tease them. She said it for fun, I think. She did not allude to the deceased in particular; she said she disliked the two younger ones. I was going towards her home one day with the school during the last half-year. We were talking about the holidays. I made the remark, "Won't it be nice to go home so shortly?" she said, "it may be to your home, but mine is different." She led me to infer, though I don't remember what her words were, that she did not dislike these children, but it was through the partiality shown by the parents. She gave me as a reason for her not liking her home, that the second family were treated better than the first. She told me so on several occasions. On one occasion we were talking of a dress, and she said, "Mamma will not let me have what I like; if I wanted a brown dress she would get me a black, or quite the contrary." I do not remember any other conversation with her about the deceased child, I have only heard her slightly refer to him.—Mr. Clark: Have you ever heard her say anything more with regard to her deceased brother?—Mr. Edlin: I submit that this is wrong; the examination is most unusual and improper, not intentionally so on the part of Mr. Clark, but the tenor of the conversation is to elicit, by rather cross-examining questions, than by questions properly put in examination in chief, a motive in this matter. It seems to me to be a most unusual and unprecedented line of examination. I submit that it should not be farther persevered in on the part of the gentleman advising the magistrates.—Mr. Clark: I have only endeavoured to elicit facts.—Mr. Edlin: I give you credit for a sincere desire to do your duty, but in your desire to discharge it, you have unintentionally very far exceeded it.—Mr. Ludlow: Perhaps you will say in what way; that is rather a strong expression.—Mr. Edlin: I most courteously express it. I think Mr. Clark has exceeded his duty; he seems to have misconceived it. He has a school-fellow of the prisoner's before him, and instead of confining himself to questions, and being satisfied with the answers, he has pursued the examination rather after the method of a cross-examination, and not in the manner examinations in chief are generally conducted, still less in a case of this important nature (applause).—Mr. Ludlow: If another demonstration of that kind is made, the magistrates will order the court to be cleared.—Mr. Clark: I have done my best to conduct the examination in chief; but you see the difficulty I have in doing my duty. I have never intentionally asked a question over again.—Mr. Ludlow: Perhaps you will make some specific objection, Mr. Edlin, instead of advancing those of a general nature.—Mr. Clark: If we get a witness that does not understand what you ask, I do not know how you are to get at the evidence, unless you ask the question again.—Mr. Edlin: But after you have got an answer, you must not repeat the question after the manner of a cross-examination.—Mr. Clark: It was because she did not understand my previous question.—Mr. Edlin: The worthy magistrate who occupies the chair drew attention, and I quite acquiesce in his suggestion as to the way in which the questions should be put, and as I think they ought to be put. Have you anything more to ask?—Mr. Clark: I have been putting questions according to the rule of evidence, and if I do not get an answer, I must put the question again.—Mr. Edlin: Then you have asked it again and again, and therefore your business is at an end.—Mr. Clark (to the witness): Have you heard the prisoner say anything with regard to her deceased brother?—Mr. Edlin: This question has been put again and again, and it has been answered in the negative, so there is an end of it.—Mr. Ludlow: You have heard the caution given by the magistrates; we wish you to state what actually took place, any conversation between you and the prisoner—not hearsay evidence. We do not wish to bring out anything not strictly legal and right. Perhaps you were never in a court of justice before, certainly never on so solemn an occasion; now I ask you if ever any conversation took place between you and the prisoner at the school with regard to her feelings towards the deceased.—Witness: I do not remember anything more.

Cross-examined: I was 17 last March. I am now living with my mamma at Warminster. My father is dead. My mamma is living as a private lady. I have been at the school a year and a half. During the last half-year Miss Constance Kent has been a boarder; the preceding three months she came to take lessons; before that she was not at the school. The last half-year she took home the second prize for good conduct. There are between 30 and 40 ladies at the school. I have had some conversation with Mr. Witcher. He first called at our house, and saw me and my mamma. I believe it was last Wednesday week when he called. He called once at our house, and another time at Mr. Bailey's, a private gentleman; he is a married gentleman. I know him; he lives exactly opposite. Mrs. Bailey, seeing me in my mamma's garden, sent for me, and I went and saw Mr. Witcher. I was not surprised at seeing him there, because Mrs. Bailey had taken an interest in the matter, and asked me about it. My first interview with Mr. Witcher was the Wednesday before the Friday on which the examination took place. I was very much surprised to see Mr. Witcher at our house when he first called. My mother does not visit at Mr. and Mrs. Bailey's. Mr. Witcher asked me questions in the presence of Mr. and Mrs. Bailey. Mr. Superintendent Abbot, of Warminster, has also spoken to me about it. I had a summons to attend here to-day. Mr. Witcher brought it, and gave it to me at Mr. Bailey's.

Mr. Ludlow, at the request of Mr. Witcher, inquired of the witness the reason Mr. Witcher called upon her?—Witness said: He called upon me to show me a piece of flannel which had been found near the body of deceased; on the second occasion it was to serve the summons upon me.—Mr. Witcher: And I impressed upon you the importance of telling the truth and nothing but the truth.—Mr. Edlin: We take it for granted.—Mr. Witcher: I would rather have it from the witness.—The witness said that Mr. Witcher had done so.—Mr. Edlin said that in a charge of such magnitude, where life and death was concerned, he thought that anything said in the absence of the prisoner ought not to be received.—Mr. Witcher said it was in reply to the cross-examination that he asked the question, and to put himself right with the magistrates and the public.—By Mr. Ludlow: I do not remember any other conversation between the prisoner and myself, relative to the

accused.—Mr. Edlin: The question has been asked again and again.—Mr. Ludlow: Have you remonstrated with the prisoner respecting any conversation you have had with her?—The witness said she had.—Mr. Edlin remonstrated with the Bench for putting a question in relation to a matter upon which the evidence was silent. He appealed to them in the interests of humanity not to do so.—Mr. Ludlow: The Bench were only anxious to get out the facts.—A conversation took place between the learned counsel and the Bench, and the witness, at the close, was ordered to withdraw.

Mr. Joshua Parscns, surgeon, of Beckington, deposed to the state of deceased's body when he saw it the day of the murder, and added, on making a *post mortem* examination of the body, I saw no reason to suspect the administration of any narcotic or poisonous drug. I consider the incision of the throat was the immediate cause of death. I think the stab was made by a long pointed knife. I accompanied Mr. Superintendent Foley in searching the house, and examined Miss Constance Kent's room, also her drawers and a nightgown, which were on the bed, as well as the bed linen. The whole was perfectly free from any stain of blood. The night dress was very clean, and I could not say how long it had been worn. Miss Constance was not there. I was present during the examination of the nightgown by Mr. Foley. There was nothing on it that attracted my attention particularly. I cannot say it was more clean than others.

Cross-examined by Mr. Edlin: I saw no marks at all on the bedgown. The gown might have been worn for nearly a week by a young lady sleeping alone. I knew the poor little boy that was killed. He was a very heavy child for his age. I did not know the hack stables, but I went down it once with Mr. Kent on that day. I don't remember whether it was narrow and winding. I think the stab in the side was made by a pointed knife—such as a dagger or carving knife. I come to the conclusion from the way in which the clothes were cut, which nothing but a direct point would do. It would require very great force to inflict such a wound to penetrate through the flannel and night-dress into the lungs. The knife, though pointed, could have pushed away the heart, because the ribs of the child are pliable, and the heart might thus have been caused to diverge from its natural position. I examined the drawers in Miss Constance's room, and I believe I saw a clean nightgown there.

Louisa Hatherell, the daughter of a farmer at Oldbury-on-the-hill, Gloucestershire, said—I know the prisoner, with whom I was at school at Beckington; I left school on the 15th of June last; I was intimate with the prisoner as a school-fellow, and she has spoken to me of the younger children, to whom partiality she said was shown by the parents. She spoke of her brother William being obliged to wheel the perambulator for the younger children, and that he disliked doing it; and of her father comparing the younger son with the elder, and saying what a much finer boy he would be. She told me nothing else to my recollection. She said nothing particularly about her little brother, the deceased. I did not hear her say anything about the holidays. In answer to the bench, Mr. Edlin declined to put any question whatever to the witness.

Sarah Cox, housemaid to Mr. Kent, repeated the evidence she gave at the inquest.

By Mr. Edlin: On Saturday, the 30th June, I took down a clean night gown of the prisoner's to be aired; and another the following Saturday. I am perfectly clear as to the airing of two gowns, and the one put into the basket would make three, which I am clear were Miss Constance's bedgowns. I did not observe any mark or stain on the bedgown I put into the basket; it was dirty, as one usually is when worn a week. During the time I have been in Mr. K.'s service I have never seen anything in the conduct of the prisoner towards the deceased that was unkind or unsisterly. I have never heard her say anything unkind towards him, or ever show any ill feeling towards him. Mrs. Holley is the washerwoman to whom the clothes were sent the Monday after the murder. The things were not sent to her on the 9th July, because she would not have them on account of some dispute about a night dress. On Tuesday evening after the murder a message was sent by Mrs. Holley's daughter, which I received myself, to the effect that there were three night dresses put on Mrs. Kent's book, but only two sent, and her mother said that it was Miss Constance's that was missing, and that I must send another, as the policeman had been there that day to know if she had the same number of clothes sent as she always had, and her mother told him she had; and she must have another sent, as she was afraid the policeman was coming again, and if I did not send one her mother must go to the policeman about it. I told her she must have made a mistake, as I was certain I put three night dresses in the basket; that I was quite sure one of those was Miss Constance's. After seeing Mrs. Kent, who told her, in the presence of Miss Kent, that the bedgown had been put into the basket, the girl went away, saying she should send her mother, who subsequently came, and stated that the night dress had not been sent to her house. I told her that I was sure it had, as I had put it into the basket myself. I did not observe anything uncommon in the manner of Miss Constance on the morning of the murder, beyond grief, which affected other members of the family.

By the Bench: I am certain I put the nightgown into the basket, but I cannot swear it was there when the baskets left the house, as I was not present.

Hester Holley, laundress, of Road, deposed: I have been in the habit of washing for Mr. Kent ever since he has been here till within the last three weeks. I recollect going for the clothes on the Monday after the murder, about 12 o'clock; I went by myself, and saw the cook, with whom I went upstairs to the room where the clothes is generally placed; there were two baskets, and I took one and the cook the other; on coming down stairs I tucked it round secure, and then went out and called my daughter, Martha Holley. The baskets were in the same state I always found them. We went straight home, I carrying one basket, and the other being carried between us. Within five minutes after getting home, we opened the baskets; this was not our general customs; my reason for doing so was because on Saturday I heard a rumour.—[Mr. Edlin objected to the question as to the nature of the rumour as inadmissible on the part of the prosecution.—The Chairman said the Bench were investigating the case, and not prosecutors.—Mr. Edlin contended that the magistrates were asking questions as prosecutors, and requested that if the question were put, a note might be taken of his objection.]—Examination resumed: On inspecting the baskets, I took



account of the clothes, and found one nightgown short of the usual number; on getting the book, as usual, I found Miss Constance's nightgown missing; in consequence of this, I sent my daughter on Tuesday evening to Mr. Kent's. On stating that a nightgown was missing, I received a reply from Mr. Kent that I had it, and if I did not return it in forty-eight hours he would have me apprehended under a special warrant. I then went home, and have not had any washing sent me from Mr. Kent's since. I have not seen anything of the missing nightgown. There has been a search made by the police in my house and by me and my two daughters.

Cross-examined by Mr. Edlin.—On Tuesday when I went for the books and money I saw the housemaid, but never said anything to her or any one else about the bedgown being missing. My three daughters were all present when I examined the clothes on Monday. On the evening of Tuesday the police came first to my house about a piece of flannel which had been found; it was not till Wednesday that they came to me about the bedgown. At their first visit they did ask me if the clothes were quite right, and I told them it was by the book; the bedgown was then missing, but I was expecting it would be sent.

After a consultation amongst the magistrates and their clerk, Mr. Edlin said: I understand that the persons appearing for the prosecution have no further evidence.—Mr. Ludlow: No more to-day.

Mr. Edlin: Then I think the duty which I have to perform here to-day, in this most important case, is an exceedingly simple and clear one, and I think, gentlemen, the duty devolving upon you is not less clear. My duty is to ask that this young lady be instantly liberated, and restored to her friends. (An attempt at applause here made was speedily suppressed.) And I apprehend that it will be, as I have said, not only your duty but your pleasure to say "aye" to that at once. There is not one tittle of evidence against this young lady—not one word upon which a finger can be laid to show that she is guilty, nor can the finger of infamy in respect to this matter be pointed against her. I ask you to consider the effect of dragging this young lady from home at such a time, if she is really innocent, as I believe she is. I say that an atrocious murder has been committed, but I am afraid that it has been followed by a judicial murder of a scarcely less atrocious kind;—I ask you if this young lady is truly innocent, what will be the consequences of this proceeding against her? If this murder be never discovered—and we know not how dark are the paths of crime—it will never, never be forgotten that this young lady has been dragged from her home and sent like a common felon,—a common vagrant to Devoes gaol. I say, therefore, that this step ought to have been taken only after the most mature consideration and after something like tangible evidence, and not upon the fact that a paltry bedgown was missing—as to which Inspector Witeher knew that it was in the house, and that Mr. Foley examined it with the medical man the day after the murder, together with the young lady's drawers. I say, that to drag this young lady from her home in such a way is quite sufficient to excite in her favour every man in this country, and not only that, but every man in this land of unbiased mind, who has heard—and there are few who have not heard—of this horrible murder. The steps you have taken will be such as to ruin her for life—every hope is gone with regard to this young girl. If she is innocent, it is terrible to contemplate the result to her, and it must be particularly so to gentlemen of feeling like you are. And where is the evidence? The sole fact is the suspicion of Mr. Witeher, a man eager in the pursuit of the murderer, and anxious for the reward that has been offered; and it is upon his suspicion, unsupported by the slightest evidence whatever, that this step has been taken. The simple fact set up as the ground-work of that suspicion has been cleared up in a manner that must carry conviction, even to demonstration, home to every man in this room, who came here with an unprejudiced mind. The prosecutor's own witnesses have cleared up the point about the bedgowns; but because the washerwoman says that a certain bedgown was not sent up her, you are asked to jump to the conclusion that it was not carried away in the clothes basket. But there can be no doubt upon the mind of any person that the right number of bedgowns has been fully accounted for, and that this little peg upon which you seek to hang this fearful crime has fallen to the ground. It rested upon the *ipse dixit* of the washerwoman only, and against that you have the testimony of several other witnesses. No application either has been made for a remand by the prosecution, and I therefore ask whether your duty to your sovereign, and as custodians of the peace in this county, will justify you in keeping the young lady in custody for a single moment longer? I do not mean to find fault with Mr. Witeher unnecessarily; but I think in the present instance, his eagerness in the pursuit of the criminal has led him to take a most unprecedented course to prove a motive; and I cannot help alluding to the meanness—I say the indelible meanness, I may say the discredit, and I was about to say the disgrace, but I do not wish to say anything that shall leave an unfavourable impression hereafter; but I will say the ineffable discredit with which he has hunted up two school-fellows, and has brought them here to give the evidences we have heard. What does this evidence amount to? Nothing whatsoever; there is not a single word pointing to any *animus* on the part of the young lady towards her little brother. Was there anything strange that, in the unlimited confidence of school children, she should speak of her stepmother, and say that the younger children were preferred by her? If that were set up against any other person having a stepmother, it would be thought rash and unkind. Where is the stepmother that will not prefer her own children to those of the former wife? But because the conduct of the step-mother formed a subject of conversation between these schoolfellows, you are asked to find in it a motive which would induce this young lady, therefore, to imbrue her hands in the blood of this dear little boy. Every fact in the case on the contrary, not only rebuts the presumption of guilty on her part, but is consistent with the purest innocence. I feel, and every Englishman must feel, that the young lady never ought to have been taken from home, that she never ought to have been consigned to gaol, and that she never ought to have been sitting where she is, confronted by these accusers upon this charge. A more unjust, a more improper, a more improbable case, having regard to the facts elicited in evidence, was never brought before any court of justice in any place, and, as far as I know, upon a

charge of this serious nature, and seeking, as it does, to fix that charge upon a young lady in the position of life of Miss Constance Kent. With these few remarks I think I have discharged my duty. Ask yourselves, what is yours? Let me respectively draw attention to what it is. If upon reading the evidence, you think that guilt is brought home, if not conclusively, at all events in a *prima facie* manner, to Miss Constance, your duty will be to let the matter come before you for further investigation; but if you regard all the consequences, and consider that for nearly a whole fortnight Mr. Witcher has been engaged in the investigation, and has not succeeded in finding any one fact authorising you to say that this young lady is guilty, any more than any other person who has been called before you to-day, I am sure that you will order her discharge. I ask you, therefore, upon the ground that there is not a tittle of evidence upon which you can rest to justify her further retention, to liberate this young lady, and restore her to her friends and her home. [The learned gentleman resumed his seat amidst the applause of the audience, which was of course checked by the police.]

The Magistrates then privately consulted, and on the readmission of the public,

Mr. Ludlow said: The Magistrates have carefully weighed the evidence and consulted together, and they have determined to discharge the prisoner at present in custody, and call upon her father, Mr. Kent, to enter into recognisances in £200 for her appearance if called upon.—The announcement was received with applause, which was speedily suppressed, and the proceedings terminated. It was then 7 o'clock.

(From *Bath Express*, July 21.)

It is three weeks to-day since the murder which now engrosses public attention, almost to the exclusion of every other topic, was committed, and still the mystery is unsolved. The public are voracious for all particulars bearing upon it, and these we have supplied in ample measure. But it is our further duty to comment upon the manner in which the investigation has been pursued, and which at least in the preliminary steps has been open to the severest censure.

The coroner's inquest was not conducted as it ought to have been, and we doubt the capacity, though we have no doubt whatever of the entire purity of the coroner's motives. An immediate neighbour and intimate friend of the Kent family ought not to have been summoned to the jury, still less ought he to have sat as foreman. But the inquest was weakly and foolishly conducted in other respects, and thereby an important advantage was lost. It is always desirable to confront a guilty person in the first agony of consternation and confusion, and before he has had time to recover his composure, to abolish all traces of his crime, and to prepare his defence. If he has one or more accomplices, it is an advantage that no time should be given them for framing a consistent and combined story. All this advantage was lost by the imbecile conduct of the coroner, who was content with affirming a murder, but made no effort to discover the murderer. An open verdict was come to after a single sitting, whereas by adjourning the inquest and by a rigorous cross-examination of the whole household, without the omission of a single person either from delicacy or any other motive, and by an equally unsparing search of the entire premises, without overlooking one rag or garment of any kind, who can say that a verdict might not have been returned, not only affirming the murder, but accusing the murderer?

After only five witnesses had been examined, one of whom was the surgeon who had examined the body, and the two men who had discovered it—these three knowing nothing whatever of antecedent circumstances—the remaining two being the nurse and housemaid—the coroner strangely deemed the taking of any further evidence unnecessary, “wishing to spare the feelings of the family.” The motive was amiable, but the judgment was weak. An already over-compliant jury, however, insisted on the examination of the two younger children—which point the coroner yielded, but suggested that they should be examined at the house; instead of coming into court. Now, consider the evidence given? All the evidence showed that the house had been locked up, bolted, and barred on the previous night, and that it had not been entered by violence from without. If the murderer came from without, he must have had a confederate within. No pane of glass was broken, no woodwork was injured; there were no holes in the shutters from a centre bit or other instrument. The coroner himself admitted in his charge that “it was impossible for any one to have gained ingress from the outside.” How was it that he did not see the irresistible conclusion, viz., that the persons who composed the household must be held collectively responsible for this dreadful event? and therefore that no one's innocence ought to be assumed—no, not even the father's, or mother's, or sister's, or brother's—but that each one, not an infant, within the house, ought to be kept apart from the rest, then produced in open court, and rigorously cross-examined? It may be said these were cruel suspicions; but the deed was cruel and fiendish beyond thought or utterance. It seems inconceivable that any member of the household should have murdered a sleeping child; but it is equally inconceivable that any person not belonging to the household should have done it. But it has been done, and all circumstances point to a murderer within doors, and negative the idea of a forcible entry from without. The whole conduct and relations of that family ought to be turned inside out. Was the father a good father? Was the murdered child the object of any family strife or ill-blood? Was it spoiled by any member of the household? Was it an united family, or one frequently at variance? Did the



children of the first wife agree well with those of the second? That it was not what may be called a *normal* family, appears from the running away of two children of a tender age, one of them a girl, a most strange circumstance in a delicately nurtured gentleman's family! The whole moral interior of that house ought to be laid bare to the public gaze, that we may be able to find a motive, and to account for that which is yet unaccountable. The very coarseness of the texture of the young lady's missing bed-gown is a fact to be explained. Was it of the same texture as that worn by the rest of the family, and if not, wherefore not? Trivial circumstances may give a clue to highly critical facts.

Now, there is one view of the case which we have not seen elsewhere, but which deserves to be seriously considered. Supposing the murderer to be one of the household (no member of which has yet quitted the premises), it seems impossible that the guilt of that person should not be suspected by the rest of the household, or at all events by one or more of its more sagacious members. A person who has the stain of murder on his soul cannot demean himself in an ordinary way. It would be difficult to do so for even an hour or two, but impossible for days and weeks to wear the mask of innocence, and not to betray guilt by restlessness or agitation. Each member of that household must unavoidably scrutinise the bearing of every other member, and must draw conclusions either as to his guilt or innocence. There may not only be an accomplice, but there may be *accessories after the fact*—namely, those who infer guilt, but would screen the murderer. This shows, then, that the feelings of no one person belonging to that house ought to be considered. The most summary and stringent measures to secure the appearance of them all, with the separate custody of each, so as to prevent further concert or combination, ought immediately to be taken. A black shadow rests on that roof, and nothing but discovery can conjure it away; but as to discovery, let no one despair of it. No bloodhound was ever more tenacious of scent, or stauncher in tracking his victim, than society will show herself in pursuing the worst and basest murderer of all time, and bringing him or her to justice.

The latest intelligence confirms the justice of the above views, and which were written before it came to hand.

The public were determined that the matter should not rest at this point, and after various schemes had been proposed, a private inquiry was instituted. The *Bath Express* then remarked:—

Though the prayer for the granting of a special commission in the Road case has been refused, yet we may congratulate our readers that the movement has been far from ineffective; it has stimulated the sluggishness of the Home Office, and compelled them to do something, though that something has been done in the most clumsy, clandestine, and circuitous manner that is conceivable. When an unusual procedure is resorted to by authority, it is above all indispensable to its proper effect that the step taken should be bold, unmistakeable, and determined. Such a course is due both to the solemnity of the occasion and to the majesty of the law. The reverse of all this is the course taken by Sir George Lewis. Every possible fault has been committed by him in the miserably small, undignified, and almost secret proceeding which he has now resorted to in the Road case. Mr. Kent's lawyer was justified in refusing to send his client for examination to the private offices of an attorney, instructed he knew not by whom, and not knowing whether this most strange proceeding had received the sanction of the Government. It was a fine piece of irony to say, as Mr. Dunu did, that he could not surmise the object of Mr. Slack, or whether he might not be fishing for evidence on the part of a local paper, which had been threatened with a criminal information for clearly indicating Mr. Kent himself as the murderer. But now the secret is out: a confession has been dragged forth from the Under-Secretary that the Wiltshire magistrates were acting under the sanction of his department, and that it was his desire that Mr. Kent, together with his household, should respond to the summons.

The Home Office, therefore, has interposed, and within a very few days of its sending forth that *grandis et verbosa epistola*, which declared that it would not interpose, as such intervention would be fraught with all manner of evils and calamities. Sir G. Lewis "would not be justified in advising her Majesty to create an exceptional and extraordinary tribunal." Now, if there be an extraordinary tribunal, it is surely that which has been erected, to the amazement of all observers, in Mr. Slack's private office in this city! We do not blame Mr. Slack himself, who officiates as the High Priest in these mysteries. His abilities and his penetration are well known, and we do not doubt that he will ably discharge the office. But it is not in the nature of things, nor is it in the nature of Englishmen, that such secret proceedings should be satisfactory. The event can alone justify them. If Mr. Slack shall be able to name the murderer and to send him for trial, then all will be satisfied with the result, however they may deprecate the precedent; but if he should fail to do this, and the examinations should prove abortive, then, without any fault of his own, the public will be highly dissatisfied, and their reproaches will justly turn on the Home Secretary for the unsatisfactory, impotent, half measures which he authorised, and of which he himself seemed ashamed, for the official origin of them was for a time shrouded in darkness.

We rejoice that even the most un-English proceeding has been resorted to, in default of a better, for guilt *may* come out, and innocence can have nothing to fear. But take the other alternative, and suppose that nothing is elicited to warrant a distinct accusation, then loud and long will be the reproaches upon the imbecility of an Executive which intervenes, but in a manner to satisfy nobody, and which will not avail to remove that dark shadow, which ever since the fatal 29th of June has rested on Road House, or to erase the red cordon of imputed blood which has since encircled it.

And this leads us to the position taken by Mr. Kent himself. It is obvious that his position has throughout been a *defensive* one. This is a singular fact, and must not pass without comment. We should naturally have expected that the father of the murdered innocent would be clamorous for justice; that he would have besought the coroner not to close the inquiry, but to adjourn it from time to time until some evidence was adduced sufficient to inculpate an individual. He would, we presume, be advised by his lawyer that an abortive result of the coroner's inquest would render more difficult the proof of guilt in any subsequent stage. He indeed signed, or professed his willingness to sign, a local memorial for a special commission. But that movement was originated by others; he only adopted it when applied to for the purpose. How then can we avoid the inference that other persons, and those strangers, showed more eagerness and exhibited more activity in endeavouring to discover the murderer than the father of the murdered child himself? This inference is irresistible, and a most unpleasant one it must be for Mr. Kent to reflect upon. We have before said that he has showed himself neither true to himself nor to the memory of his child. We regret to be forced to extend this remark to his subsequent conduct. Acting as a lawyer, Mr. Dunn was justified in advising his client not to answer Mr. Slack's summons. But Mr. Kent was the parent, and in his parental instinct he ought to have spurned any legal punctilio, and ought to have expressed his willingness to appear anywhere, he and all his household, to answer the most rigorous inquiries which either human sagacity or suspicion could frame. Instead of all which, he has had a counsel and an attorney at his elbow to assist him in evading inquiries and restricting examination, not in promoting them. We do not like all this fencing with Authority, however irregularly,—we might almost say, furtively and unwisely exerted. However, Mr. Kent's reluctance has dragged forth an admission that the Bath proceedings have been all along under the inspiration of the Home Office. This assurance extorts from Mr. Dunn the niggard concession, "*if you should desire to put any questions to him, or to Miss Kent*"—as if there could be any doubt of Mr. Slack's intention to subject the whole household to the sharpest and severest cross-examination—"he will be prepared to receive you at Road, and *I shall be happy to meet you there* and afford you every facility for such purpose." Such facility, we presume, as Mr. Edlin afforded to the inquiry at Road, which he succeeded in restricting to the narrowest limits, if not stifling it altogether!

But there is a consideration which it would be well both for Mr. Kent and his legal advisers to ponder over. Mr. Kent fills a Government appointment, and his retention of that appointment must be endangered if he maintains a strictly legal and defensive attitude in presence of the terrible suspicions which hang over him in common with the rest of his household. As we have before urged, the innocence of no one member of that household is to be assumed. We neither inculpate nor exculpate any inmate of that dwelling. If the Home Secretary should be dissatisfied with Mr. Kent's demeanour, either generally in reference to this affair, or with his evidence as it shall be reported to him by Mr. Slack, it will be his duty to consider whether Mr. Kent can be suffered to hold any longer an office which, involving as it does the moral supervision of others, can only be satisfactorily filled by one in whom the Government feel the most entire confidence. This is not a question of legal technicality, but of moral confidence. The Government has a right to demand that one acting under it in a highly responsible situation, like that of Inspector of Factories, shall be forward to aid the investigation, and not to thwart it by interposing legal obstacles.

But be the result of Mr. Slack's examination what it may, the public have a right to expect that all that has transpired either in his offices at Bath, or at Road-hill House, shall be made known. This is necessary alike for Mr. Slack's reputation, for that of the witnesses, and for the reasonable and anxious curiosity of the public. Yet, knowing how Sir George Lewis acted in the Smethurst case, we must feel great apprehension. It is the instinct of a timid and nervous person like Sir George, in his dread of criticism, to conceal all that he can, and to withhold even necessary information. In the case of Smethurst, he refused to publish the opinion of Sir Benjamin Brodie; although on the strength of that single opinion—an opinion, moreover, only asked on the medical part of the question—he took upon himself to reverse the judgment of both judge and jury, after a trial of five days! The secret and undivulged opinion of one man reversed all this! Such is Sir George Lewis's strange mode of showing his reverence for constitutional practice! Again, he wanted to conceal the hand which he had in this Slack investigation. Knowing this, we doubt not that he would like to stifle all report of the evidence which has been taken under the present anomalous proceeding. But if this should be attempted, we must be ready with another memorial, demanding the publication of all that has transpired. Englishmen are not yet converted to the doctrine of secret tribunals, and anomalous proceedings, and undivulged evidence.



The *Bristol Express* said :—

We regret to state that Sir G. Cornwall Lewis has declined to accede to the prayer of the memorial from Bath for a fresh inquiry into this horrible and mysterious case. The following is the reply received by the Mayor of Bath yesterday :—

“Whitehall, 3rd Sept., 1860.

“Sir,—I have received and laid before Sir G. Lewis a memorial, signed by yourself and many other respectable gentlemen of Bath and its neighbourhood, calling the attention of the Secretary of State to the murder lately committed at Road. You represent in this statement that the family in whose house the murder took place, may be collectively responsible for it, but the individuals of which it is composed have not, in the proceedings which have taken place, been examined and cross-examined, as to their complicity in that frightful transaction. You add that, in your opinion, such an inquiry is necessary for the ends of justice, and you pray Sir George Lewis to grant a special commission for the investigation of the crime, as the ordinary means have entirely failed. I am directed by Sir George Lewis to inform you that he is satisfied, upon deliberate consideration of this matter, that he would not be justified in advising her Majesty to create an exceptional and extraordinary tribunal, for the purpose of interrogating persons suspected of this murder. To supersede in case of this description, the established courts of justice, which are governed by well-known and carefully defined rules, and to establish by royal authority, in their stead, a commission exercising new and arbitrary power of examination, unknown to the English law, would be, in his opinion, highly unconstitutional, and a departure from the principles upon which this country has long been governed. The doctrine that, in cases of great obscurity and difficulty like the present, on which the existing law appears at first to be insufficient, that law is to be strained or altogether superseded, appears to Sir G. Lewis to be of a most dangerous description. The rules which govern our ordinary courts are intended, not only for the detection of guilt, but also for the protection of innocence from unjust accusations, and when the crime is of so grievous a nature as to excite a strong feeling of horror and indignation in the public mind, a strict adherence to those rules is absolutely necessary for the fair and impartial administration of justice. I am, Sir, your obedient servant,

“The Right Worshipful the Mayor of Bath.”

“H. WADDINGTON.

We have seldom seen a case in which public opinion has been more unanimous than in the necessity of the step prayed for by the memorialists. With scarcely an exception the local press advocated it; the *Times*, *Morning Post*, and other London journals, have had leaders to the same effect, and the memorial would have been signed by thousands, if time had permitted. Sir George Cornwall Lewis, however, thinks differently. Let us examine his reasons.

1st. He says that such a tribunal would be “exceptional and extraordinary.” The reply to this is, that the circumstances of the crime are exceptional and extraordinary, calling for corresponding methods of detection, especially when the ordinary modes have failed through inertness or incapacity.

2ndly. The Home Secretary says that such a course would be highly unconstitutional, as establishing a commission with new and arbitrary powers of examination, instead of the established courts of justice.

No new or arbitrary powers of examination were asked for, and as to the supersession of the established courts, it is only when they have utterly failed that other and more effectual means are demanded. As to the unconstitutional nature of the proposed inquiry, we would ask whether Sir George Lewis did not sin more against the spirit of the constitution when, on the mere opinion of Sir Benjamin Brodie, he pardoned Smethurst after a long and exhaustive trial, and against the moral certainty of his guilt. This pedantic adherence to the letter, and violation of the spirit, is a common fault of men like Sir George, learned, it is true, but utterly devoid of broad or comprehensive views. A convicted murderer may be let loose upon society constitutionally, but a cruel and barbarous murder must not be detected except by the orthodox modes of action! Sir George objects to the law being “strained” in a case like the present, characterising it as “most dangerous.” The danger lies in the opposite direction; if the law is of so stiff and formal a nature that it cannot be expanded in case of emergency, it is the more likely to be swept away altogether, or at least despised and contemned. Judging, however, from the Smethurst and St. George’s-in-the-East cases, Sir George’s constitutional sympathies appear to be reserved for criminals and rioters rather than for the suppression of crime and violence.

The last argument used is, that the rules of courts of justice are intended not only for the detection of guilt, but the protection of the innocent, and that in this case the horror and indignation in the public mind require a strict adherence to those rules. Sir George ignores the fact that it was in consequence of these rules not having been carried out at the coroner’s inquest, that a fresh inquiry is rendered necessary, and in this case especially, the detection of guilt is emphatically the protection of the innocent, for at present the whole of the Kent household—guilty and innocent alike—lie under the fearful ban of murder, and will remain so until the real author of the crime is discovered. The fair and impartial administration of justice which Sir George is so anxious to secure is in reality hindered and

impaired by his refusal to grant the only means of a searching investigation. As, however, such is his decision, every other method must be strained to penetrate the mystery which now enshrouds this horrible case, but which will we feel confident be one day brought to light.

It was reported on Monday, that government was prosecuting an inquiry on the subject. This arose from the fact that one of the officers of the Wiltshire County Constabulary had attended at the residence of Mr. Kent, at Road, and had requested that several of the domestics might be permitted to be sent down to Bath for the purpose of their being subjected to an examination by Mr. Slack, solicitor of this city, and no obstacle being thrown in the way of compliance with this request, the parties whose presence was desired, as well as the charwoman, Emily Doer, Benger, by whom the body of the ill-fated child was found, and some other parties, were provided with the necessary conveyance, and taken to Mr. Slack's offices, and were interrogated by that gentleman. The inquiry was continued on Tuesday and Wednesday, Mr. Inspector Foley, one of the officers on whom the duty of sifting the matter has been reposed, being an attendance at Bath.

It is said that a special commission is always (?) accompanied with an indemnity to the witnesses examined under them; and, under these circumstances, Messrs. Slack and Simmons have been instructed to re-examine the witnesses who have been produced before the coroner and magistrates, and to report the result of their inquiry to the Home Secretary. Of course the investigation being a private one, none of the statements made to Mr. Slack have been allowed to transpire. Some persons strongly condemn the private mode of examination resorted to, remarking that it has been already tried, and has failed, and that it is, moreover, contrary to the spirit of British justice. On the other hand, it is urged that the crime had remained so long undiscovered by the ordinary means of inquiry, that any course is warranted which has the chance of leading to a more satisfactory result. A few days will probably determine whether the hoped-for end has been obtained. Another report is that the examination by Mr. Slack had nothing to do with Government, but is for the purpose of obtaining evidence for the defence of the *Bath Chronicle*, in the action for libel, which Mr. Kent has announced his intention of bringing against that paper, but in this the police would hardly assist. A day or two since Superintendents Wolfe and Foley visited and examined Master William Kent at his school.

In addition to the memorial from the mayor and inhabitants of this city, the following, which is essentially different in many important particulars, is now lying for signature at Frome, Trowbridge, Warminster, Westbury, and the adjacent villages:—

“TO THE RIGHT HON. THE SECRETARY OF STATE FOR THE HOME DEPARTMENT.

“The memorial of the undersigned inhabitants of Road and towns in its vicinity sheweth, that, whereas an atrocious murder was committed in or near Road-hill House on the 29th of June, 1860, on the body of Francis Saville Kent, by some person or persons unknown, under circumstances unparalleled, and from a motive inexplicable; and whereas, the perpetrator or perpetrators of this outrage are still at large, and no vigorous efforts are at present being made for their detection; and whereas, in consequence of the hasty conclusion of the coroner's inquest, Samuel Saville Kent, his wife, and several members of his family and household have never been publicly examined and cross-examined, whereby injury has resulted to the reputation of several individuals, and the course of justice has been greatly frustrated, we, your memorialists, most earnestly pray that, however unusual such a course may be, a special commission may at once be appointed further to investigate this mystery, to endeavour to discover the criminal, and afford opportunity for statements on oath to be made by all concerned.”

The first person to whom this memorial was presented for signature was Mr. Kent himself, and he at once expressed his great willingness to sign it, and added that his whole household would be glad to sign it also. His solicitor, Mr. Dunn, however, advised that, considering his position as a Government officer, it would be inexpedient for him to do so, especially as it was Mr. Kent's intention to proceed to London on Tuesday, in company with his solicitor, to obtain an interview with Mr. Waddington, Under Secretary of State for the Home Department, personally to urge its prayer.

This mysterious tragedy still occupies public attention, and continues to be the subject of comment in the metropolitan press, more especially the investigation being carried on by Mr. Slack. We have on previous occasions explained our own views so fully that we shall now content ourselves with giving those of the ablest of our London contemporaries:—

The *Law Times*, in an article on this subject, has the following remarks on Mr. Slack's investigation:—“At present the examination is only that which a solicitor makes when getting up his brief; it is merely the preparation of the case for a public examination before the magistrates, and therefore the attendance of any witnesses is wholly voluntarily. The only ultimate result of refusal to give information to Mr. Slack will be that his brief must be *pro tanto* imperfect, and the examination of the objecting witnesses will take place in public without preparation. Mr. Slack's office is not to judge or report, but simply as a solicitor to collect evidence for hearing of the case by the magistrates. But it would be desirable in such a difficult matter, and not disrespectful to them, if, on the occasion of the



hearing, they were to be assisted by a counsel experienced in the criminal courts. The justices would be much aided by a practised criminal lawyer advising them in the character of an assessor. Of course nothing is known of the results of the inquiry so far as it has proceeded, save this, *that it is established beyond doubt that the murder must have been committed by an inmate of the house.* The guilt attaches, therefore, to one of eleven persons, but on which of them suspicion is to alight remains to be seen. The next step is, by the process of exhaustion, to ascertain against which of the eleven persons the probabilities most weigh; and lastly will come but the most difficult task of all—to find *proofs* of guilt. We can, however, vouch for it that the investigation is confided to good hands."

The *Spectator* says:—"If the local magistracy from pure lack of experience are incompetent to conduct an inquiry of this solemn and complex character, surely the Home Secretary may find constitutional means *in aid* of the magistracy. Miss Constance Kent was only discharged on her father's bail from the charge made against her. We do not for a moment suggest that the young lady whom over-zeal placed in the dock, is at all cognizant of her brother's death. But her mere discharge on bail gives the magistrates a *locus standi* upon which to resume the inquiry. Then the Home Secretary might add the assistance of the local recorders or some eminent criminal lawyers as assessors to the magistrates. But the refusal, on mere 'constitutional' grounds, to issue a special commission, has been followed by a most extraordinary innovation upon the administration of the law. Sir George Lewis gets rid of the difficulty by a side wind, for it appears now that, although he refuses to initiate any proceeding, he yet sanctions another course taken by the local magistrates utterly subversive of every principle of justice."

Mr. Slack, a very eminent solicitor of Bath, and of great reputation as a lawyer in criminal cases, is instructed by the "authorities" to prosecute an inquiry. To his private office are summoned the persons supposed to be able to give evidence. Mr. Kent's own solicitor very properly asks Mr. Slack under whose "instructions" he is proceeding. To this a reply is given very remotely referring to "the authorities" as setting on foot the inquiry. But is a private inquiry, conducted with closed doors, not upon oath, with the admissions of the guilty person, assuming his attendance, taken down in writing for future use, a constitutional proceeding? If we are agreed upon one course of criminal procedure, it certainly is that every inquiry by which the life of a fellow-creature is put in peril, shall be conducted in a public form. In fact, the magistrates have become prosecutors, and employ an attorney to conduct an inquiry, superseding the natural right of Mr. Kent, as father of the victim, to the position of prosecutor. An inquiry so conducted could lead only to "a lame and impotent conclusion;" and it appears in the form of a struggle of merely professional etiquette between the two solicitors; Mr. Duun offering that Mr. Slack may come to Mr. Kent's house and ask every one there upon the matter, whilst the magistrates and their solicitor ask for the attendance of the family at Mr. Slack's office in Bath.

Publicity, responsibility, and proof, are all then here set aside. The inquiry is secret; Mr. Slack is not responsible; and the information he may obtain is not evidence, because it is not upon oath. The Road case may indicate the necessity of a public prosecutor; and perhaps Mr. Slack is the most competent person for that office in his own county. But the office of a public prosecutor, as in Scotland, carries with it notice of the official inquiries, and a criminal is forewarned \* \* \*. The sound principles of publicity, responsibility, and proof have given birth to the advantage of imperial administration, by which equally the cruelty of the prosecutors, and the cruelty of the mob have been nset at defiance. To invade the common sense of mankind as to what is law; to confuse the functions, public and private, of magistrates, policemen, and attorneys, is to shake law to the very foundation in the popular conception. If the murderer is to be found, the very information which will lead us to his trail is to be had by and before the magistrates in public, in an inquiry conducted by Mr. Slack in his professional character. The Road murder has been from first to last productive of blunders; but the last is the most fatal, for even the detection and punishment of the murderer would not compensate us for the loss we sustain by the unconstitutional means employed. Private information, gathered in this injudicious manner, is likely to gratify the acuteness of clever practitioners and sharp detectives, but society looks for the independent evidence of guilt to be forthcoming, *plus* extorted admissions of unwary statements. If we abolish or narrow publicity in our jurisprudence, we shall do much to destroy the entire fabric which has brought down to us as much of glory as our deeds of arms.

The *Observer* states that besides the investigation carried on by Mr. Slack, another investigation of the Road murder is also on foot about which the public know nothing, but which is not the less likely to be successful because the utmost secrecy is observed. The Government, says our contemporary, is determined that no efforts shall be wanting, and no expense spared, to discover the perpetrator of this atrocious crime. The *Observer* believes that the murderer will now shortly be discovered.

As regards the progress of the examination made by Mr. Slack we believe we are correct in stating that Mr. Kent having consented that an examination of himself and his household

should take place at Road-hill House, and Mr. Slack, acceding to these terms, attended there on the afternoon of Friday last. He first examined Sarah Cox, the housemaid, and the cook, who has never yet publicly given evidence. The inquiry was resumed on Saturday, when the two eldest Misses Kent were examined. It has been stated that the youngest daughter, a little girl two and a-half years old, was permitted to give evidence, but this is erroneous—the child was not interrogated. On Monday afternoon the other domestics were examined; also at the Woolpack Inn, Beckington, Holliday, a boy sixteen years of age, who, it will be remembered, was discharged from Mr. Kent's employ on the day of the murder. He was the first to arrive at the house on the morning of the murder, and cleaned the knives. It is very generally stated that his evidence, which has never been before taken, is very important; but as he has hitherto been singularly sullen and taciturn on the subject, and has over and over again made contradictory statements, through sheer stupidity and obstinacy, not much importance attaches to what he may say. It has been well ascertained that on the night of the murder he slept at his home in Beckington. A meeting was held on Tuesday, when Mr. Slack reported progress to the magistrates, and since then Mr. and Mrs. Kent, as well as Miss Constance Kent, have been examined. The investigation is strictly private, and Mr. Dunn (Mr. Kent's legal adviser) has been present at each examination, and has taken part in the proceedings. No cross-examination has, we understand, been attempted, and the replies have been recorded in the precise form in which the interrogations were made. The statement that Mr. Slack meditates publishing the evidence, is, we have authority for stating, wholly devoid of foundation.

The *Bristol Daily Post* says:—We do not pretend to be informed upon all the points which have been elicited, but we feel justified in expressing a strong opinion that the inquiry will lead to a practical result. We believe that it will point guilt in a quarter, but not in that in which it has already been pointed, and we shall not be surprised to find that some of the evidence—evidence which has not yet come before the public in any way—will tend to satisfy the public mind of the innocence of Miss Constance Kent.

## SELF-ACCUSATION AND EXAMINATION OF A PRISONER.

On Saturday the electric wires flashed with the intelligence that a man had given himself up, at Wolverton, as the murderer of the unfortunate child, Francis Saville Kent, at Road, and that he was being conveyed by railway to Trowbridge. The excitement which this mysterious case has created in the public mind, and which has rather increased than diminished ever since the discovery of the tragedy, received fresh impetus from this announcement, and all along the line through which the self-accused murderer passed, the greatest curiosity to catch a glimpse of so atrocious a criminal was manifested—a curiosity which became intense as the prisoner approached his destination. The line through which the prisoner was conveyed was a circuitous and extensive route, about 110 miles, viz., from Wolverton, per the London and North-Western Railway, to Oxford, thence by the Great Western Railway to Didcot, and on to Chippenham, and thence, by the Wilts, Somerset, and Weymouth Railway, to Trowbridge.

The facts of this singular matter, as gathered from various sources, are as follow:—On Friday last, a man, who has given the Christian names of Edmund John, but who refuses to give any surname, or to state where his place of abode is situated, went to the platform of the Wolverton station of the London and North-Western Railway. He accosted Sergeant Rowden, who was then on duty, asking, "Have you heard anything of this Road murder?" The Sergeant replied, "Yes; do you know anything about it?" The prisoner replied, "Yes; 'twere I done it." Upon this announcement Sergeant Rowden called Henry Goodson, parish constable of Wolverton, and also a servant in the employ of the railway company, and gave the man into Goodson's charge. After hearing the statement he had made, Goodson took the man to his house, and searched his person, upon which were found a mason's rule, a trowel, a pawnbroker's duplicate of another trowel, which had been pawned for 6d., a pocket-book, and some drawings, which the prisoner said were draughts of a plan he had invented for laying bricks without hard labour, and for which he had a patent. On being searched, he said to the constable, "When I am hung, I should wish you to give those things to my mother. I would not let my wife know it for the world, it would break her heart. She has three children." he added that his wife was a laundress in London. After being searched, the prisoner was taken from Wolverton by Goodson and Sergeant Rowden to Stoney Stratford, where he was brought before the Rev. J. H. Bartou, county magistrate. He there made a statement to the effect that he had killed the child at Road, and that he felt he could not live; and that he had given himself up, as he could see the child walk before him wherever he went. After committing the murder he had walked day and night till he got to London, and he then left London and went to Leicester. The prisoner enumerated the names of all the principal places between London and Leicester correctly, but from inquiries made by the police, he appeared to be an utter stranger in the neighbourhood. With reference to the actual murder, he stated that he was promised money for the "job," but that "they" did not pay him as he expected; they said they would give him £1 for the job. He further asserted that he went to Road to look for work, and that they found him a job, but, he added, "they did not give me that after I had done it" (snapping his fingers at the constable). Some spots were observed on his trowsers, and Goodson said to him, "There is blood here on your trowsers" (pointing out the spots). The prisoner replied, "Yes, it is human blood." The constable asked, "Is it from your nose?" to which he answered, "No; but it is human blood." On being conveyed from Wolverton to Trowbridge in custody of Goodson and Sergeant Royle, of the Buckinghamshire Constabulary Force, mention was again made of these blood-stains on the prisoner's trowsers, and he then said, "It is the blood from the child."



From inquiries made respecting the prisoner it was found that, before surrendering himself at Wolverton station, he had given away a knife and tobacco-box, of which he said more would be heard by and by. The researches of the police confirmed the prisoner in this statement, and it was ascertained that he had given away a knife to one person, a tobacco-box to another, and a pipe to another. The knife, which turned out to be a common clasp knife, was taken possession of by Goodson, and as he and Sergeant Royle were proceeding with the prisoner to Trowbridge, it dropped either accidentally or by design from the bundle in which it had been placed. The prisoner at once recognised it, and said, "That is my knife." Goodson replied, "Yes, it is." The prisoner then asked, "Did you go and get it from the man I gave it to?" to which Goodson said, "Yes, I did."

After being taken before the Rev. J. H. Barton at Stoney Stratford, and remitted to the jurisdiction of the magistrates of the county of Wilts, the prisoner was not locked up alone, but the constables sat up with him all Friday night. To them he made some extraordinary revelations. He said that the agreement made before killing the child was that the body should be buried beneath the hedge behind the garden, but that afterwards "they" were afraid that the remains might be found in the garden, and that it was determined to put the body down the privy. On being asked if he knew how the body was put down the privy, he replied, "Yes, in a blanket." He inquired of one of the officers if he knew whether Miss Constance Kent was going to be tried again, and on the officer telling him that he did not, the prisoner asked whether, if a person had once been tried by a jury of his country, it would be possible to take him up and try him again on the same charge? After giving a tolerably accurate description of Mr. Kent's house, the prisoner stated that the child was given to him out of the window, but he did not say by whom. He also inquired if the missing bedgown had been found, but was informed that it had not. Subsequently he avowed his intention of making an open confession to a clergyman, and expressed a wish to see a minister of the Wesleyan denomination, protesting that he had never committed such a crime before, and that none of his family had ever been guilty of any offence. He went on to assert that he could not tell how he could have been tempted to commit so atrocious a crime for so paltry a sum.

In reference to the circumstances which induced him to give himself up the prisoner stated that having gone from London to Leicester in search of work, but without success, he proceeded to Wilford and Northampton with the same object, but failed. He then thought he would put his head on the railway and destroy himself by letting a train pass over him, as he felt that the eye of God was upon him. Then he thought that if he did so, the policeman on duty might lose his situation for not preventing him from committing an act of self-destruction, and he changed his mind and went on to Wolverton, a distance of fifteen miles, and there gave himself up in the manner which has been already described.

We have before stated that the surrender of the prisoner, and the fact of his being on his way to Trowbridge, were heralded by the electric telegraph throughout the line over which he had to pass, and at each station public excitement and curiosity were raised to a high pitch. At one of the temporary halting places on the journey an inquisitive gentleman put his head into the carriage which contained the prisoner and the officers who had him in charge, and asked, "Where is the man who has committed the murder?" The prisoner, who apparently did not relish the notice of the public, of which he became the increasing and almost exclusive object, said to one of the policemen, "I have a good mind to give him a rattle in the guts," at the same time raising his clenched fists, which were handcuffed. Arrived at Trowbridge, the prisoner was conveyed to the police-station, and was shortly afterwards brought before Messrs. Stancomb and Sinkins, two of the magistrates who have been unwearied in the investigation of this mysterious case. The court was thronged almost oppressively with anxious and eager spectators. The proceedings were of brief duration, and were of a purely formal nature, resulting in the remand of the prisoner till 2 o'clock on Monday. Since the prisoner's confinement at Trowbridge his story has undergone a complete transformation. He complained at first of suffering greatly in the head, but on Sunday, although not quite free from pain, he stated that he was much better—a fact which may possibly account for the diametrically opposite version he now gives of the affair which has placed him under arrest. He now says he never before was in the neighbourhood of Frome or Road, and that five weeks ago last Saturday (the day on which the murder was committed) he was working at Belgrave-road, Pimlico. He also says that neither he nor any of his family ever committed murder, and that he has nothing on his conscience.

A description of the personal appearance of the prisoner should be added. He is about 35 years of age, five feet six inches in height, stoutly built, of a sullen cast of countenance, betokening rather an imbecile mind, than a ferocious temperament, and is supposed to be by trade a bricklayer.

It would be impossible to enumerate the various rumours to which the apprehension of this man has given rise. Suffice it therefore to say that they are all destitute of foundation, excepting so far as they coincide with the foregoing narrative, and that no further light has been thrown on this the most exciting domestic tragedy of modern times by this new incident.

On Monday afternoon the prisoner was brought up at the Trowbridge Police-court, before the following magistrates:—H. G. G. Ludlow, Esq., chairman, Rev. R. Crawley, and W. Hancock, Esq.

Captain Meredith, chief of the Wilts County Constabulary; Superintendents Foley, Wolfe, and other members of the force who have been engaged in the case, were present, and a clerk from the office of Mr. Dunn, solicitor, of Frome, watched the proceedings on behalf of Mr. Kent.

From an early hour in the morning the space in front of the police-station at Trowbridge was occupied by a numerous and anxious crowd, but on the arrival of the daily newspapers, containing an account of the circumstances under which the prisoner had surrendered himself, and the various statements he had made, public curiosity abated, and only a few stragglers were collected outside the court at the time the investigation before the magistrates commenced. On the admission of the public to the hall in which the inquiry was conducted, the building rapidly filled.

The prisoner was then placed in the dock. He preserved a very stolid expression of countenance, and was dressed in a white smock frock and corduroy trousers.

The Chairman: What is your name?—Prisoner: Edmund John.

The Chairman: That is the name you gave to the magistrate in Buckinghamshire?—Prisoner: Yes, sir.

The Chairman: It is in that name I hold a warrant against you, under which you have been brought here on your own confession, as having committed a murder at Road. The depositions will be read over to you, and you will be at liberty to put any questions to the witnesses, and you will then have an opportunity of making any observations you think fit. You were remanded on Saturday last.

Mr. Clark, clerk to the magistrates: The warrant charges you in the name of Edmund John, that you did, in the parish of Road, on the night of the 29th of June last, feloniously, and of malice aforethought, kill and murder Francis Saville Kent. By that warrant you have been remanded from Wolverton to this place.

The Chairman: Have you any other name than Edmund John?—Prisoner: Yes, I have a surname.

The Chairman: What is your surname?—Prisoner: I should like to keep that back.

The Chairman: Do you refuse to give it?—Prisoner: Yes, sir.

Mr. Clark then read the following deposition, taken before the Rev. J. H. Barton, at Stoney Stratford:—

Henry Goodson: I am one of the constables on the London and North Western Railway, and am also one of the constables of Wolverton. About a quarter before 12 on Friday I received the prisoner from Sergeant Roden, and took him to my own house and searched him, and found upon him a mason's trowel, a pocket-book, and rule. I said nothing to induce him to make any statement or confession to me. After he had been in my custody a short time, he said, "My life is a burden to me, I have given myself up to you; I did the deed; those things which you have in your possession I should like my mother to have after I am executed. I want things kept as quiet as they possibly can. I hope my friends will know nothing about it until after I am executed." I afterwards saw a spot or two of blood on his trousers, and said to him that there was blood on his trousers. He said, "Yes, that is human blood;" he added, "I committed the murder at Road; it is on my mind, and I shall be hung." He also said, "I was tempted; money was the cause of this. They agreed to give me a sovereign," and he held up his hand and said, "they gave me as much as that." He gave a very deep sigh after making this statement. I then brought him to the Stoney Stratford lock-up in charge of Sergeant Royle.

The Chairman (to the prisoner): Have you any question to ask the police officer?—Prisoner: I don't think I said anything about money. The Chairman (to Goodson): Did he say anything to you about money?—Witness: Yes, he said a pound distinctly; and he said he never had as much as that (snapping his fingers).—The Chairman (to the prisoner): Have you any other question to ask?—Prisoner: No; only I can prove I was miles away from here at the time.

Mr. Clark then read the following statement of Samuel Royle:—I am one of the rural police of Bucks. About 10 o'clock on Friday the prisoner was given into my custody in the lock-up at Stoney Stratford, by the last witness. I asked him his name, to enable me to enter it in the charge book. He said it was John. I asked him if he had any other name than Edmund John. He said, "Yes, I must not tell you my surname until the job is all over, I committed the murder at Road, and I shall have my name in writing before I die. I am so uneasy in my mind, I cannot rest—I wish the time was over; money has been my ruin, I was promised some money, and never got any for it." He said he was 30 years of age, that he belonged to London, and was a bricklayer by trade; also that his wife and three children were living in London. A short time after he had his dinner, he said to me, "Do you think they can try Miss Constance Kent again?" He also said, "Before I die, I should like to have a sheet or two of paper, and I'll leave all behind, and they'll know all about it; I hope my wife will not hear about it, it will break her heart." These last observations he made between 2 and 3 o'clock. He said he never worked at Road, but went there to seek work; that after the job was over, he walked day and night until he got to Loudon, and thought when he got to Loudon he should be better, but he was still so unhappy that he couldn't rest. He then gave me an account of his journey from London to Leicester, and from Leicester to Wolverton, and added that the finger of the Almighty was so against him that he could not get work anywhere. He begged hard that he might not be handcuffed, and that he would go with anybody to any place—to Road or anywhere else. As far as I could judge, the conduct of the prisoner was that of a man in a sound state of mind.

The Chairman (to prisoner): Is there any question you would like to ask the officer?—Prisoner: No.

The Chairman (to Royle and Goodson): Do you know anything more, either of you?—Sergeant Royle: Prisoner made some remarks to me in the lock-up afterwards. About 7 o'clock in the evening of Friday last, he said the agreement was, when the child was murdered, to bury it in the hedge behind the house, but, thinking it might be found there, they changed their minds, and it was put down the watercloset.

The Chairman: He said "they" did, &c.; he did not mention any particular person, did he?—Sergeant Royle: No, sir; he said, "I shall not tell their names, not at present."

Mr. Stancombe: Did he say anything more to you about it?—Witness: No, sir.

Prisoner: I am not aware I said them words to him. I know very well him and the other policeman were asking me questions all the time I was there, and I can prove that I was miles away at the time.

P.C. Goodson: On Friday evening, the 10th, the prisoner gave this box to one of the mechanics at the Wolverton station, and a pipe to another, and the knife to another. I have not got the pipe, it was an old one. (The knife and box produced were an ordinary clasp-knife, and the box a common tobacco box.)

The Chairman: Do either of you know this man of your own knowledge?—Goodson: No; I have



travelled about our county a good deal, and never saw him. The parties he gave these things to I know, and they willingly gave them up to me. I asked them if they knew anything of the prisoner, and they said, "No." When he gave the things away he said to the parties, "You will hear something of these things afterwards." After I had the knife I put it in a bundle, and, as we were going by railway, unfortunately the knife fell out. The prisoner at once said, "That is my knife; how did you come by that?"

The Chairman: Have you examined the knife?—Witness: Yes, sir, I made the reply, "I got it from the party you gave it to." That was all that was said then, but the prisoner made a further remark during the time that we were at Oxford, while waiting for the train. He asked me a question, and said that he wished to confess, if he was by himself. He also wanted particularly to know if Miss Constance Kent had been tried for this murder at Road, and whether it would be possible that she could be tried again.

Prisoner: You would swear my life away if you could.

Goodson continued: I replied, "If she is guilty, I should say yes." Nothing more passed. I searched the prisoner on the 10th, about a quarter before 12, and these are the articles I found on him—a mason's rule, a trowel, and a pocket-hook.

The (Chairman to the prisoner): Have you any question to put to the officer?—Prisoner: No, sir; only he has told a good many untruths in the statement he has made.

The Chairman: In what part?—Prisoner: About Miss Constance Kent. I never said anything of the kind to him.

The Chairman: You can ask him any question you like. (To Goodson): Did he mention Miss Constance Kent to you?—Goodson: He did in the room at Oxford, where we were waiting at the time.

Prisoner: Did the other Sergeant hear me?—Goodson: No; he was out at the time, seeing what train we could go on by, as we were strangers to the place. There was a town inspector of Oxford, who was there part of the time.

The Chairman (to prisoner): If you attend I will just read the caution to you before we go any further. [The usual caution was then read by the Chairman, who added:—] With that caution we ask you if you have anything you wish to state to the magistrates?—Prisoner: I can state where I was at the time the murder was committed.

The Chairman: You must recollect that you are brought here on your own voluntary confession of having committed the murder, and it is therefore for you to show why you made this confession of having committed the murder, if it is false.—Prisoner: It was circumstances told me I had better do it. I can prove that I was in Pratten-road, Portsmouth, or Portsea, on the 28th and 29th of June, and at Godalming on the 30th.

Mr. Clark: Have you anything more to say?—Prisoner: It was through being so unfortunate in being out of work that made my life a burden to me, with other things, my wife leaving me in London with my children, and having no work made it worse.

The Chairman: Have you anything else to say?—Prisoner: The two spots of blood on my trousers were caused by cutting my finger, last Thursday.

The Chairman: Where was your finger cut? Just show it.—Prisoner: It is here (holding up his left hand, on the forefinger of which was the mark of a recent cut).

The Chairman (to the Bucks policeman): Did you observe any blood about him?—Goodson: Yes, sir; it appeared dark.

The Chairman: Not on his finger?—Goodson: No, sir; he never made any remark to me about it, either when he was at the station or when he was taken into custody.

The Chairman: Did he appear to have been drinking?—Goodson: Not the least. I know that there has been a rumour about here.

Superintendent Wolfe, of the Wilts County Police: I can answer for it that he was perfectly sober when he was brought here.

Sergeant Royle: The magistrates' clerk saw him directly he was brought here.

The Chairman: Oh, yes, he was brought before us shortly afterwards. Do you wish to say anything more, prisoner?—Prisoner: No, sir.

The Chairman: You state that on the 28th, 29th, and 30th of June you were at Portsmouth?—Prisoner: Yes, sir.

The Chairman: Have you any evidence of any person that knew that you were there?—Prisoner: Yes, I could prove that I slept there on the 28th and 29th; there was a review on the 28th, or something of that sort, and the shops were shut up.

The Chairman: Where did you sleep on that day?—Prisoner: I could put it down on a piece of paper.

A piece of paper and pen and ink were then handed to the prisoner, who occupied some time in writing, and gave the paper to the bench.

The Chairman: You must satisfy us, and prove where you were on that day. You have voluntarily brought this charge on yourself, and you now deny it; and it remains for you to prove where you were.—Prisoner: Anyone taking this here cap (exhibiting his cap) will find I changed it at Portsmouth.

The Chairman: You say, in this paper you have written, "I slept at the George and Dragon, or the Green Dragon. It is next a brickfield, or at the back of it, and at the side of a sawyer's pit. While I was there on the 28th I changed caps with another man for his, and I slept there on the 29th of June." Who was that man?—Prisoner: I don't know; they will know me if anyone goes there to ask, because I did not pay for my lodging. (Laughter.)

The Chairman: Was it done in the hearing of the landlord?—Prisoner: The landlady was there, and I believe the landlord was.

The Chairman: Do they know you in any way?—Prisoner: I don't know their names, but I know I slept there.

Mr. Stancombe: This person that you say you changed caps with, was he sleeping there too?—Prisoner: No, I don't think he was.

The Rev. R. Crawley: You have not told us anything about where you slept on the night of the 30th, when at Godalming; that is the night the murder was committed.—Prisoner: I slept that night at the Crown and Anchor, which is the first public-house coming from Portsmouth down the road.

The Chairman: Where did you come to Portsmouth from?—Prisoner: From London, and then I went back again. I was trying to get aboard a ship.

The Chairman: How did you get from London to Portsmouth?—Prisoner: I walked it.

The Chairman: How far is it?—Prisoner: I don't know. I think it is hard upon seventy miles.

The Chairman: How long were you walking it?—Prisoner: I think about three days, sir.

The Chairman: You now state that you were at Portsmouth on the night this murder was committed. If so, how came you to place yourself in this position? Don't answer the question if you don't like.—Prisoner: The fact of the matter is that I was hard up, and I thought it better if I could be hung. I am sick and tired of my life.

The Rev. R. Crawley: Then why did you change your story?—Prisoner: Because I should not like to die without convincing every one that I am innocent.

The Chairman: Have you ever been at Road?—Prisoner: No, sir, I was never there.

The Chairman: Then how came you to state that you went there in search of work?—Prisoner: I don't know what caused me, but I did say so.

The Chairman: Can you give us the name of any person who knows you personally; anyone who can speak as to who and what you are?—Prisoner: Nobody here, sir.

The Chairman: I don't mean here, but anywhere; any one in London?—Prisoner: I could refer to two or three, but I think I will let things take their course; I should not like them to know where I was.

The Chairman: They will be sure to know of it, and you won't be released till you give some satisfactory account of yourself.

The Rev. R. Crawley: You state that you were at Portsmouth and Godalming on these three nights. We want to give you an opportunity of proving that, and you will be discharged if you satisfy us that you had nothing to do with this murder of which you have accused yourself.—Prisoner: The parties at the George and Dragon will know that I was there, because I had a very large boil at the back of my neck, and they put some soap and sugar to it.

Mr. Stancombe: How did you get that mark on your neck? It was stated that you had fallen from a scaffold; how long since was it?—Prisoner: Some years ago—four years ago.

Mr. Stancombe: Did you go into the hospital on account of that?—Prisoner: Yes.

Mr. Stancombe: What hospital?—Prisoner: The Westminster.

Mr. Stancombe: How long were you in that hospital?—Prisoner: About ten or twelve weeks; it may be more or less. I think it is more.

Mr. Stancombe: Did you strike your head when you fell?—Prisoner: Yes.

Mr. Stancombe: Do you know the surgeon who attended you when you were there?—Prisoner: I think it was Dr. Basham. Have you been in any hospital since then?—Yes. What for?—For carbuncles. What hospital?—The same hospital. How long after?—Eighteen months. What was done to you?—I had it cut out. Whereabouts was it?—Between the shoulders. How long were you in the hospital then?—About three months. Who operated on the carbuncles?—Mr. Barnard Holt operated on me. Have you been into the hospital since then?—No, sir. How came you there?—I got a letter. Who from?—Well, I think it was from the bank, in Little George-street, Westminster. Do you know who gave you the letter?—No, sir.

Mr. Stancombe: Who were you were working for at the time you met with the accident?—Messrs. Piper. They are builders, are they not?—Yes, sir. Were you taken at once to the hospital, in consequence of the accident?—Yes, sir. Where were you working at the time you met with the accident?—In Pimlico. Where does Mr. Piper live?—In Bishopsgate-street Without. What work were you about at the time?—I don't know; I was on the scaffold; I don't know what I was about at the time.

Mr. Stancombe: Have you worked for any one besides Mr. Piper in London?—Yes, for Mr. Myers. Who was the last person you worked for in London?—Mr. Macey, in the Strand. When was that?—I think it was about the beginning of last May. What work did you do for Mr. Macey?—It was brick-laying.

The Rev. R. Crawley: You have mentioned a public-house at Portsmouth or Portsea, and one at Godalming, at which you stayed; were those houses of call for masons?—No, sir. Is it not usual for artisans in search of work to go to the houses of call? Is there not some advantage in so doing?—Yes, sir. There was a young chap slept with me at Portsmouth as said he worked at the Cumberland Fort.

The Chairman: You have been in several hospitals, have you not?—Yes; in St. George's, and Guy's, and Westminster, four times. Have you ever been in an asylum?—No, sir.

Mr. Stancombe: Have you been to Guy's or St. George's since you went to Westminster?—No, sir; before. The first time you went to Westminster, you stated, was about four years ago?—It is back fourteen years since I was in Guy's Hospital. Have you been there more than once?—No, sir; that is where they kept me. What was that for?—For fits, sir, and an overflow of blood to the head. Are you liable to fits now?—No, sir. You say you were also at St. George's?—Yes, that was for fits. I was four times at Westminster—twice for fits, and twice for accidents; the last time is about ten years and a quarter ago, when I was there for carbuncles.

The Rev. R. Crawley: Have you had any fits since you met with the fall from the scaffold?—No, sir, only two; I have not had any fits since the last three years.

Mr. Clark here read over an extract of the statements made by the prisoner, who objected that it



did not contain the names of the houses he had mentioned as having stopped at in Portsmouth and Godalming, from which he said any person going there would find that he had spoken the truth.

Mr. Clark explained that the paper the prisoner had written would be sufficient for the purpose, and the prisoner then signed the statement.

By the Chairman: Where were you living when in London, or what part of London?—In Pimlico. Were you living alone?—Yes, sir. But you say you are married?—Yes, sir. When you were living with your wife, what part of London were you living in?—Soho, sir. What part of Soho?—Princes-street. How long is it since you lived there?—Two years good, sir. What part of Princes-street, do you know?—I don't know the number. Who kept the house?—A person by the name of Gibbons, I think, sir. What part of the house did you occupy?—The first floor. Were you living there with your wife and children at that time?—Yes, sir.

The bench consulted together, and the chairman, addressing the prisoner, said: Prisoner, you must understand that it is in your favour we wish to know who and what you are, and the purposes of justice require that we should know something more of you than we do at present. You will therefore be remanded till 11 o'clock on Wednesday next, and, in the meantime, you can send any letters you may think fit to parties who may be able to prove the truth of the statements you have now made. If you don't help us in this way, all we can do is to endeavour to trace you.—I would tell my name instantly, only I should not like my mother to know I was here.

Mr. Clark: I don't think it will be of any use your endeavouring to conceal it.—Prisoner: Well, you won't let my mother know?

The Chairman: I won't deceive you, prisoner, but the gentlemen of the press are here, eight or nine of them, and all that has transpired will go forth to the public, and in a very short time everything that has taken place to-day in this court will be published to the world.

The Rev. Mr. Crawley: You will understand that you are remanded till next Wednesday; and if you should want more time to bring evidence as to where you were on those two particular nights of the 29th and 30th of June, in all probability you will be allowed it.

Prisoner: May I have some paper?—The Chairman: Yes, anything.

The prisoner was then removed to his cell, and shortly afterwards gave his name "John Edmund Gagg," and he also wrote a statement similar to that given before the magistrates, which we subjoin:—

"On Thursday the 28th and 29th of June I was at the George and Dragon I well not be sure which the name is when I went there on the Thursday being some sort of a Grand day as all the shops in Portsmouth was shut up I asked the Land laddy how much the Lodging was and she said  $\frac{1}{2}$  crown a wak with washing and I asked her to Let me have a Lodging as I thought I was a going to work for Mr. Clarke and the young man that I slept weth took me down to Cumber Land Fort on Friday morning and I did not Get on but on Friday evening the person that Lodged up stairs dressed my boil for she put some soap and sugar on it and on Saturday morning I went off wethout paying my Lodging as I did not Get work

"It is in front of a brick field and the side of a sawyer's pit I think in the pratten Road

"Portsea or Portsmouth and on Saturday the 30th of June 31st I Lodged at croun and anchor in Godalmin and he told me to go to Mr. Moon on Monday morning.

"EDMUND JOHN GAGG."

TROWBRIDGE, Wednesday.

The examination of Edmund John Gagg, the self-accused murderer, was resumed this morning at 11 o'clock, in Trowbridge Police Court, before H. G. G. Ludlow, Esq., and W. Stancombe, Esq.

## RE-EXAMINATION AND DISCHARGE OF THE PRISONER.

Trowbridge, Wednesday Afternoon.

The prisoner, Edmund John Gagg, was brought up at eleven o'clock this morning from Devizes Gaol, in the custody of Mr. Superintendent Wolfe. A crowd of idlers awaited his arrival at the railway station.

On the bench were H. G. G. Ludlow, Esq., W. Stancombe, Esq., and the Rev. R. Crawley. Mr. Dunn, Mr. Kent's legal adviser, Capt. Mirideth, and Mr. Superintendent Feley were also present. The attendance of the public was very numerous, the court being crowded to suffocation.

The prisoner was placed in the dock, and appeared to have thrived wonderfully since he has been in custody.

The magistrates' clerk addressing the prisoner, said—John Edmund Gagg, you were remanded from last Wednesday, on the charge, on your own confession, of having murdered Francis Saville Kent. You said, on last Wednesday that you were at Portsmouth on the night of the 29th of June last, and the magistrates remanded you to procure evidence to prove that. Have you any evidence here?—Prisoner: I have a letter from my brother, who said he would be here this morning.

Mr. Clark: Have you the letter?—Yes. I expect him here.

Mr. Ludlow: When did you receive it?—Last Monday. Where does he live?—At 13, Queen's Terrace, Southsea, Portsmouth. What is he?—A butler, in the service of Admiral Byng.

Mr. Clark (to the prisoner): Do you wish the letter to be read?—Yes. The letter ran as follows:—

"Monday, 17th August, 1860, 13, Queen's Terrace, Southsea, Portsmouth.

"My dear Brother,—I received your kind letter yesterday of which I am truly sorry to hear of your being in such trouble but I hope with Gods blessing that you will be liberated and then Seek for work and Go back to your own Place. I went to the Police Station yesterday and I saw Mr. Barber, the Superintendent of the Police, and I have seen him a gain to day, and he Says that he has made inquiries at the Public house and they recollect your Sleeping there and I will swear that you Came to 13 Queens Terraco On the 29th of June And that was the last time I have seen you. Mr. Barber wrote this morning by the Early Post And he is going to write by this evenings Post

again, the Admiral desired me write, hoping that you will soon have your liberty. With kind love Believing me to Ever remain Yr affectionate Brother

"CHRISTOPHER GAGG."

Mr. Superintendent Wolfe said he had corresponded with Mr. Superintendent Barber, of the Portsmouth Police respecting the prisoner's statement that he was there on the 29th of June, and had received several letters from him on the subject. They were handed to Mr. Clark, who read them.

Portsmouth Police.

Dear Sir,—I have caused further inquiry to be made respecting the statement of the man you have in custody, and I find that it is true, but it is not the public-house he mentioned; it is the Stout Anchor beer-house, situate at Stratton, kept by Samuel Tucker, and we found it out by the description he gave in the letter to his brother. If you should require witnesses down, I will endeavour to get them, if you will let me know.—I am, dear sir, yours respectfully,

RICHARD BARBER, Superintendent.

Portsmouth Police, 17th Aug., 1860.

Dear Sir,—I received yours last evening, and I have seen the man referred to in the prisoner's letter, and he called to see him on the day referred to. I have not had time to make any further inquiry at the public-houses, but will do so in the course of the day and write to you by this evening's post.—I am, dear sir, yours respectfully,

RICHARD BARBER, Superintendent.

Mr. Wolfe said he had written to the prisoner's brother, telling him to be sure to be here, but had not received any reply. He had also received a letter from the landlord of the Anchor Inn, Portsmouth, where the prisoner said he had stopped. It ran as follows:—

"Surrey, The Anchor Inn, Godalming, Aug. 16, 1860.

"To the Superintendent of the Trowbridge Police,—

"Sir,—In reply to a letter dated 15th inst., from your police-station, signed 'Edmund John Gagg,' I beg to say that I perfectly remember a man staying two nights at my house, a Saturday night and a Sunday night. The circumstances mentioned in the letter I perfectly remember to have transpired, but I could not at the present time swear to the day of the month. To the best of my recollection, it must have been about the time mentioned in the letter. I think it is possible I can ascertain the date of the month he was at my house.—I remain, yours respectfully,

"For E. J. Gagg."

"WILLIAM KIMBER.

!; Mr. Ludlow: Didn't you say you asked your brother to attend here to-day? When did you post the letter?—Prisoner: I did ask him to be here to-day at eleven o'clock. I gave the letter to one of the warders of the gaol to post for me.

The bench waited for half-an-hour for the train due from Portsmouth, but the brother did not appear. Mr. Wolfe was then sworn to prove the handwriting of Mr. Barber, and he said that that was his signature attached to his letters. On the day he had written to Mr. Barber, the prisoner said he had written to his brother.

Mr. Duun to the bench: In order that no misapprehension may arise respecting the story which this prisoner first made, I respectfully request you to put a few questions to him. Having communicated the nature of the interrogations he wished to put,

Mr. Ludlow said to the prisoner: Have you ever seen Mr. Kent in your life?—No. Have you ever seen any of the family?—No. Do you know, or have you ever seen any of the servants?—No. Previously to your apprehension, did you ever go to Road?—No. Is the story you told the police as to your having murdered Francis Saville Kent, true or untrue?—Untrue.

Mr. Crawley: What made you say so, then?—I don't know whatever possessed me, I'm sure. I know if I hadn't done so, I must have "chucked" myself on the line, for my life is a burden to me.

Mr. Stancombe: But you said something when you were first examined about your wife going away from you having rendered your life so miserable?—Yes, that is so. My life seems such a burden to me that I don't care about living any longer.

The bench having no more questions to put to the prisoner,

Mr. Ludlow said: I think it should be known to the public that inquiries have been made made respecting the prisoner's wife, and she is found to be a most respectable woman, living by her own industry. In order to ascertain the truth of this, I wrote to Mr. Whicher, in London, and he instituted some inquiries in the matter, and found that the prisoner's wife is living in a most creditable manner, with her mother, supporting her children by her own industry, and without any support from you (prisoner).

Prisoner: She ran away from me.

Mr. Ludlow: It think it is nothing but just that it should be publicly known that your wife is living in a very creditable manner by her own industry, and that what you have said about her character is quite untrue. She has stated that from your conduct she is afraid to live with you. You have placed yourself in your present position voluntarily, upon your own confession, and in so doing, have caused a deal of trouble, and incurred a great deal of expense to the country. We only regret that we have not the power to punish you for this, and punishment you most richly deserve. The determination we have come to is, to pay your railway fare back to London, and provide sufficient to maintain you till you arrive there, and then to hand you over to the parish authorities at Westminster, your own parish, and there you will be left to your own resources.

Prisoner: The name of my parish is St. John's, Westminster.—Mr. Ludlow (to Captain Meredith): As the third-class train is gone to-day, see that he is sent by the third-class to-morrow morning—Capt. Meredith: I will, sir.

Mr. Ludlow: Have you any information to lay before the bench?—Capt. Meredith: Nothing further, sir. The proceedings then terminated.

It was stated by Mr. Dunn that the family of Mr. Kent feel very strongly the imputations which have been cast upon them, and which they attribute to all the inmates of the house not having been examined at the time of the inquest. On their behalf an application was made to Sir



G. C. Lewis, Home Secretary, for permission to hold a second inquest, but it was discovered that a second inquest could not be held unless the first were set aside on the ground of informality or illegality. This course not being deemed practicable, the Home Secretary was then requested to appoint a special commission to investigate the whole matter, and it is stated that a county court judge volunteered to act as commissioner. Sir G. C. Lewis, however, declined to comply with the application on the ground that it was unusual to grant such commissions, and he saw no necessity for so doing in this particular case. Mr. Dunn also intimated his intention of applying to Captain Meredith, chief constable of Wilts, to examine Mrs. Kent in the presence of the superintendents engaged in the investigation, and stated that if this course were pursued, he should request permission to examine Mrs. Kent.

The press amply criticised the whole of the above proceedings :—

(From the *Times*, Saturday, October 20th.) .

The Wiltshire magistrates appear to participate in the opinion of the public that so terrible a mystery as the murder at Road must never be given up as inscrutable. It concerns us all that a crime like this should be brought to light; but we are bound to say that, though the case was mismanaged at first, there has been no negligence in any quarter since that time. The original inquiry has been followed up by other investigations of unusual character, and the action of Government in the matter, if not so direct as was desired, has been extraordinary enough to provoke some remonstrance. Unfortunately, all attempts at elucidation have hitherto been fruitless, and, though we have undoubtedly had the advantage of a great body of evidence, it may be questioned whether we are much nearer the truth at this moment than we were three months ago. We are reluctant, however, to quit the case at this stage without recapitulating some of the points apparently established. In a matter so mysterious and alarming the public itself should be taken into confidence. The more heads that can be set thinking the better. Justice is at fault for lack of a clue, but nobody can say when or where the clue may not be picked up.

To begin, then, we think we are justified by the evidence before us in discarding the hypothesis which would ascribe the deed to a stranger secreted in the house for the purpose. It does, indeed, appear that the possibility of a man's being so hidden was greater than had been imagined, for there were unoccupied rooms in the house, in which any person might have lain concealed. Still, after conceding this much, we must needs say that the improbability of the supposition is greater even than any of the improbabilities attaching to the various theories of the case which have been successively devised. It is hard to conceive that any man should desire to wreak his spite upon another by kidnapping or killing his child, but that he should secrete himself in the house with this object, upon the speculation of being able to enter a nursery where a nurse and another child were sleeping, and from this room, so protected, to carry off a boy four years old without giving alarm, is really an idea too absurd to be entertained. Moreover, even if we could get over these antecedent improbabilities, there are three facts in the case utterly inconsistent with the hypothesis in question. If it was a stranger who stole the child from his bed, what could possibly be his motive for troubling himself to replace the bedclothes so smoothly? Why did he not envelope the child as quickly as possible in the first garment that came to hand, and decamp? Again, the window of the drawing-room was found open in the morning, but not open enough to allow of the egress of any person. It must, therefore, have been partially closed either by some person who had re-entered the house after the disposal of the body, or by somebody who returned simply for that purpose. The latter supposition admits, certainly, of its being the work of a stranger; but why should he do it? To presume that he took such unnecessary trouble, and incurred such gratuitous risk, for the mere chance of throwing suspicion upon somebody in the house, is perfectly unreasonable. After the deed was done and the body disposed of his natural impulse would have been to get clear of the premises without a moment's delay. Lastly, there is the missing night-dress—one of the few pregnant facts in the case; and we need hardly say that such a fact cannot be connected with the hypothesis before us. A stranger decamping from the house in the middle of the night could not have made away with the dress, which was worn all night, and found on the wearer's bed in the morning.

We conclude, therefore, that we are warranted by the results of the investigation in falling back upon the conviction originally prevailing, that the crime was committed either by the hands or with the complicity of one or more of the inmates of the house; but here the mystery seems as hopeless as ever. The inmates of the house on the night of the murder were twelve in number—nine being adults, and of these nine six were able in a manner to exonerate each other. Three slept in one apartment, three in a second, two in a third, and two more in a fourth; so that, apart from the occupants of the nursery itself, there were but two persons in the house who could not call a certain kind of evidence to their behaviour throughout that fatal night. The cook and the housemaid slept together, the two eldest sisters slept together, and Mr. and Mrs. Kent had a young child sleeping in their bedroom. Mr. William Kent and Miss Constance Kent had each a room to themselves, while the two youngest children—the little boy who was murdered and an infant of

two years old—were, as will be readily remembered, in the nursery with the nurse. All the survivors have now been examined, with the exception of the two youngest children—the infant who shared the nurse's bed and the little girl five years old, who slept in the apartment with her father and mother, and who, it is said, was excepted from the examination at the instance of the solicitor acting for the family. All testify to their having passed the night without disturbance, except that Mrs. Keut, who was in weak health and wakeful, did, early in the morning, hear the drawing-room shutter moved, though the sound gave her no alarm. Her testimony, we presume, implies also the assertion that everything, so far as she perceived, was quiet in her own room and in the rooms adjacent at that moment. It will be remembered that she was sleeping close to the nursery, the door of which, if opened as a stranger would open it, make a creaking kind of noise.

We find, therefore, that the species of exculpation provided by this reciprocal testimony covers a majority of the inmates of the house; and, though Mr. William Kent and Miss Constance Kent are not thus protected, the former of these is exempt from particular suspicion, while the latter has not only been discharged after examination, but has been acquitted by the voluntary evidence of those who conducted the subsequent inquiries. The nurse, too, upon whom the greatest weight of suspicion in the first instance inevitably falls, has also been discharged by the magistrates, and with something like a compliment to her general character. As a final result, therefore, we are left with the circle of suspicion as narrow as ever, and with the additional embarrassment ensuing on the successive failures of justice. That the evidence at certain points is very suggestive may, no doubt, be true. The magistrates themselves appeared to think so at the conclusion of the recent inquiry; but it must be remembered that what we remarked on behalf of the nurse may be alleged, with more or less force, for the other inmates of the house. In such a position, and with such a charge weighing upon them collectively, they might say and do many things with no ill meaning, which, under ordinary circumstances, might well be suspiciously regarded.

All, then, that has been done at present can be briefly stated. It has been pretty clearly established that the murder could not have been committed without at least the complicity of some inmate of the house. It has been reasonably concluded that more than one person was engaged in the deed, and that the hand of a man is traceable in the proceedings. The deed has not been brought home to any one, though two persons—one of them twice over—have been put upon their defence, and thus the mystery of blood still rests as inexplicable as ever. It really seems almost a case for the art of clairvoyance or the old machinery of the divining rod. Ordinary agencies are completely at fault, but we trust that, in one respect, the views of the Wiltshire magistrates will be thoroughly carried out. There should be no remission, even for a single moment, of vigilance or observation. Perhaps it may be judicious to suspend for the time such investigations as have lately been conducted, and to rely for a while on that unseen, but usually unfailing influence which brings deeds of this kind to the light of day. Only let there be no oblivion or surrender. Let it be well understood that this murder is to be discovered, and that justice, though it may halt for a time, is to overtake the criminal at last.

(From *Morning Star*, October 13.)

When persistent efforts to arrive at the solution of a mystery, far from securing the desired result, have to all appearance served only to plunge the inquirers into deeper gloom, men are apt to get disheartened, and abandon the investigation in despair. We see some reason to fear that the Road murder may possibly furnish an illustration of this not unnatural tendency. A coroner's inquest, three magisterial inquiries, and a private inquisition of a character so unusual that there exists no name for it in our legal technology, have been brought to a close, leaving us very little wiser than we were before. It cannot, indeed, be alleged that these proceedings have been wholly fruitless. Evidence has been received, and admissions have been elicited from some witnesses, which seem to shed a strange light upon the history of this atrocious crime, and may serve as highly suggestive hints to those who may undertake the prosecution of further research. But the criminal still continues to elude the grasp of justice. Of the two individuals who have been accused, one comes forth from the ordeal pure and stainless, and against the other there exist no proofs sufficiently conclusive to serve as a safe basis for the verdict of a jury. Under these discouraging circumstances men are beginning to shake their heads and to prognosticate that the old adage, that "Murder will out," will probably in this case once more receive the lie direct. The nation must not tolerate such a suggestion—at any rate until much more vigorous exertions have failed to vindicate the majesty of the outraged laws. The Road murder lies out of the category of common crimes. The highwayman, who slays the defenceless wayfarer, to secure possession of his purse—the burglar, who cuts the throat of the householder, to silence his clamour for the police—and the miscreant, who slaughters a woman in the fury of disappointed lust, are no doubt social scourges, whom it is, to say the least, desirable to deprive of the power of inflicting further injury upon their fellows. But their motives, vile and detestable as they are, are yet clearly comprehensible. Their acts indicate nothing beyond the perils to which the innocent have ever been exposed from the depravity of the evil-



disposed. The murder of Francis Savillo Kent has none of these ordinary characteristics. Vainly have we hitherto sought to discover the motive which can have prompted the sacrifice of a tender innocent, who could have done nothing to excite ill-will, and who was, to all appearance, a favourite with all who knew him. Vainly have we striven to arrive at some comprehension of the means by which this atrocious deed can have been perpetrated, and the body carried forth in the dead of the night, without arousing the slumbering household. In the absence of any certain knowledge, speculative gossips have given free rein to their fancy, and scandal-mongers have not hesitated to give currency to theories based upon nothing more substantial than fancy, and pregnant with cruel insinuations against those whose cup of grief is already bitter enough without the admixture of poisonous calumny. But the mystery in which the case is still involved has spread an uneasy feeling through every household. Mothers can no longer sleep in peace while their little ones repose under the nurse's guard in the nursery close by; yet ignorance of the actual source of peril renders impossible the adoption of efficient safeguards. If we must make up our minds to endure such a state of things, let it not be until after efforts infinitely more persevering and wisely-directed than any that have yet been made. The inquiries which have taken place before the magistrates have had one radical, and, at the same time, inevitable defect. In each case the question at issue was the guilt or innocence of an individual, and testimony not directly bearing upon this point was excluded by the rules of evidence. There is but one tribunal before which such a case as this can be thoroughly sifted and that is a coroner's jury. Every individual, suspected or not, can there be subjected to the ordeal of a searching examination, and as an adjournment, no matter for how long a period, subjects no one to a possibly unjustified privation of freedom, there is no reason why the inquiry should not be protracted for months—in fact until the truth is elicited, or there appears valid reason for abandoning the quest of it in despair. The coroner's inquisition in this case was conducted after a shamefully bungling fashion—the matter was hurried over with a slovenly haste which would have been disgraceful even if the crime had been of every day triviality; only a few witnesses were examined, and in the most superficial manner, and the verdict was returned before the inquiry could be fairly said to have begun. But, because a gross blunder has been made, are we, therefore, to cling with blind pertinacity to its evil fruits? Ought we not, on the contrary, in obedience to the dictates of simple common sense, to strive to repair the error the moment we have recognised its existence? The chief justice of the Queen's Bench is, by virtue of his office, the supreme coroner of all England; it is for him to take cognisance of the mistakes of the local officers, and to quash the proceedings which have taken place under their supervision, if it be obvious that they have been so viciously conducted as to defeat the ends of justice. This is the only course which appears to offer any reasonable hope of discovering the perpetrator of the Road murder; and it is not easy to conceive any valid objection to its adoption. It is quite possible that no immediate results would follow; but, if a new inquest is opened, and adjourned from time to time, so long as a gleam of hope remains, the public mind will be tranquillised by the knowledge that there exists a regularly constituted tribunal, competent to receive any new evidence that may arise. As the case stands, the most suggestive facts might come to light to-morrow, and unless they pointed most unmistakably to the actual culprit, no action could be taken upon them, save through the vicious agency of a hap-hazard arrest, which might in the end prove to be without sufficient justification. Let an immediate appeal be made to the proper authorities to take this step without delay; they can scarcely refuse to grant so reasonable a prayer, and those who are working to discover the truth may then pursue their labours with the certainty that the smallest fragment of new evidence can be at once placed on record, swelling the mass of testimony which may in the end accumulate to conviction. Other measures may suggest themselves as conclusive to the same desirable end. This would seem to be peculiarly a case for the offer of a free pardon to any accomplice not being the actual murderer; for it seems next to impossible that the crime should have been perpetrated by a single unaided hand. We are not quite so certain with regard to the prudence of offering a pecuniary reward for the detection of the criminal. Giving the police full credit for the most upright intentions, we must bear in mind that they are but men; and, having the management of the case in their hands, they are involuntarily impelled, by the desire to secure for themselves the tempting pecuniary bait, to look coldly upon suggestions and assistance which might result in compelling them to share it with others, if not to see it pass wholly into alien hands. The whole system of blood-money is open to very grave objections. When paid to the police it is simply an absurd extravagance, for they have no right to a special recompense for having done the duty which they are salaried to perform. The private citizen who devotes his time and his money to the discovery of the authors of a crime may be held to be entitled, when successful, to compensation for the actual loss he has incurred. But the system of giving a large fixed reward for the conviction of an offender calls into operation a low motive, and has no doubt frequently led to arrest on the flimsiest pretences, and sometimes to the concoction of nefarious schemes which have ended in judicial murder. These are considerations, however, which bear rather upon the wisdom of our general system than upon any special case which

may bring them prominently into notice. So far as regards the Road murder, there is but one step to be taken, and that without delay. Let the coroner's inquisition be quashed, and a new inquest opened; no other chance remains of weaving the web of evidence in which the assassin may be at last entrapped and visited with the retribution due to his atrocious crime.

(From *Keene's Bath Journal*, July 28.)

The horrid murder of the child Francis Kent still remains enveloped in painful mystery; and we fear that the anxiety which is universally felt to unveil the murderer unmistakeably and clearly will never be satisfied. Mr. Inspector Whitecher, who is one of the most intelligent and experienced detectors of criminals in the kingdom, continues to inquire after facts, and sift every circumstance and probability with indefatigable zeal; but hitherto without any conclusive proof as to the perpetrator of this cruel and most unnatural murder. He has during the past week had the assistance of another metropolitan officer, Serjeant Williamson, but their united sagacity has been baffled, so far as positive discovery is concerned. Both, however, still entertain the strongest conviction against the sister who stands accused of the crime. It may seem strange that, considering that there is not the slightest doubt of the murder having been committed by an inmate of the house, officers of such tact and experience should not have been able before now to adduce a stronger chain of evidence against one of the very few persons open to suspicion. We confess, however, that we do not share in any feeling of astonishment upon this point. The culpable way in which the inquiry before the coroner was conducted was most fertile in supplying the means of getting rid of all evidences of guilt; and we are still convinced that the local police by so determinedly following up only one idea impeded instead of promoted the chances of discovery. It is no use disguising the fact that the father was the grand object of suspicion with those who first had the conduct of the case, and we fear that the course taken in all the preliminary investigations was an attempt to make facts fit into the groove which suited the preconceived notion, rather than of collecting evidence and then seeing against whom it bore. Nor can there be any question that the public mind has been grossly misled in the same direction. Indeed, so great was the prejudice excited against the father that, without troubling themselves calmly to reflect upon the probabilities, we believe a majority of the public still entertain quite a feeling of disappointment that he was not apprehended instead of the party charged. We at least know this, that reports of the most absurd and unfounded nature, which have been most unequivocally contradicted, are still currently bandied from mouth to mouth with apparent satisfaction. We fear, too, that the public journals, to a great extent, are answerable for the false opinions and the strong prejudices which have taken so strong a hold in the public mind. In their anxiety to meet the craving for information, the writers for some of the newspapers have not hesitated, without any exercise of judgment, to give insertion to every possible statement they may chance to pick up, without the slightest reflection as to its probable truth or falsity. Thus, during the past week in glancing over the reports, we have seen statements paraded which we might have recorded in our last—had we not, by careful inquiry on the spot, already learned their utter groundlessness. Then again, in the same reports, the reader cannot fail to be struck with the complete inconsistency of the different statements. The object, especially with some of the conductors of the ephemeral low-priced publications which have lately sprung up, would seem to be to extend their reports of this dreadful occurrence to the greatest possible limits; and that being adopted as the end, they seem utterly unscrupulous as to the means. The number of lines or columns of print, and not a statement of facts, is with them the grand desideratum. The instances which we could quote in this respect are numerous; but it would be a waste of space to do so. We have hitherto, and we shall continue to report, merely such facts as are well established, and if the public will confine themselves to these they will save themselves very much perplexity. In truth, so various have been the rumours, and so false the conclusions formed, in respect to this case, that the safest of all courses is to believe only such facts and circumstances as may be deposed to on oath. There cannot be a doubt, however, on the other hand, that the mere fact of an officer, like Mr. Whitecher, having, after a course of inquiry, fixed upon Miss Constance Kent, as the probable murderer, must necessarily prejudice her in many minds. So far as evidence goes there is certainly, up to the time we write, not a tittle upon which a conviction could for a moment be expected against her. But let it be remembered, neither is there against anyone else. At present there is nothing but probabilities and suspicion; but in the absence of any other accused, and as some one must have committed the murder, we are prepared to believe that such an officer as Mr. Whitecher did not make oath against the young lady now in custody without there being circumstances of grave suspicion against her, over and beyond any other inmate of the house.

Before proceeding to relate such facts and circumstances as have transpired since our last, we think it worth while to remove one or two impressions that are fallacious. The first is, that Miss Constance Kent had coarser linen than the other members of the family, which has been very generally taken as an evidence that she was treated differently to the other children. There seems not the slightest ground for this. It is positively denied; but even had the laundress stated that she knew Miss Constance's linen from its being coarser than



that of the other ladies, it would really amount to nothing, since the two elder sisters, we understand, provided their own linen, and Miss Constance's might have been "coarser" than theirs without being at all "coarse" linen as generally understood. Besides, when it is also remembered that Miss Constance spent by far the greater part of her time at a first-class boarding school, it is ridiculous to adduce such a circumstance as a difference in the linen as a proof of harshness at home. She may or may not have been ill-treated in other respects, but we can only say that at present there is really no positive evidence concerning it one way or the other.

Another impression is that the missing bedgown was examined by the police on the morning after the murder, and therefore that its absence is immaterial. The fact, however, is that a bedgown was examined; but it by no means follows that it was the one worn the previous night. It was on the bed, but it may have been substituted for one which it was desirable to conceal; and the supposition is strengthened by the undoubted fact that a nightgown was afterwards abstracted from the clothes basket. This, of course, as the case stands, is no evidence against the prisoner, because supposing another party to have been the guilty one, her nightgown may have been removed in order to transfer suspicion to her. It must be evident, however, that could the missing bedgown be found, and proved to have been concealed away by the prisoner herself, it would be damning evidence against her. A reward of £5 has been offered for the discovery of the article.

Again, the statement that Mr. Kent, immediately after the murder, intimated that his daughter Constance was the most probable party to have committed it, seems to have been entirely without foundation, and merely one of those flights of fancy which have been too much indulged in by certain people who have become connected with the little publications, assuming the title of newspapers, established in the immediate neighbourhood.

As we have already stated, there is at present really nothing against the accused beyond suspicion; and anxious as we are that proof of guilt may be brought home to the real criminal, and glad as we should be to find the present painful mystery solved, it would be almost more gratifying to find the unhappy girl, upon whom now rests the awful suspicion, clearly absolved from all complicity in the dreadful crime. The inquiries of Inspector Whitcher have certainly opened up a feature, which, should the prisoner be guilty, certainly would go far to explain, what now seems almost an impossibility—the commission of so cruel an act by a young woman and a sister. The question of probable insanity is one to which Mr. Whitcher's inquiries have been specially directed, and he has ascertained, as we stated last week, that the first Mrs. Kent, the mother of the prisoner, was afflicted both in body and mind, and was considered for many years to be mentally unsound. A grandmother of the accused was also decidedly insane, and she has also an uncle whom it has twice been found necessary to confine in a lunatic asylum. There is, too, reason, it is said, for fearing that the prisoner's mind is to some extent affected, although there has been no particularly striking act committed by her, if we except the running away in boy's clothes before noticed. One reason why this question of insanity has been so gravely inquired into, in what may be considered an early stage of the investigation, is the fact that there are few, if any, recorded instances of murder, the victims of which have been children of a few years old, in which the murderer has not been acting under the influence of a morbid condition of mind.

After her committal last week, the prisoner was conveyed in a carriage to Devizes gaol by Inspector Whitcher and Inspector Woolf. Throughout the journey she maintained a perfect silence, not speaking a word during the whole time, nor on her arrival at the gaol. She appeared thoughtful, and, at intervals, manifested signs of distress, but there was nothing in her manner and bearing from which any safe inference could be drawn, either of guilt or innocence. Her conduct in gaol, has, however, it is said, much impressed the officials in her favour.

On Sunday, Mr. Kent, accompanied by his solicitor, Mr. Dunn, of Frome, went to Devizes gaol to have an interview with his daughter, Constance, but was so overcome that he could not carry out his intention. Mr. Dunn saw the unhappy young lady, but what passed between them was, of course, confidential. Mr. Dunn acts for the prisoner, and has retained Mr. Edlin, of Bristol, to appear on her behalf before the magistrates.

#### REPREHENSIBLE CONDUCT.

Our Frome correspondent sends us the following:—"Whatever views may be entertained as to the culpability of certain of the inmates of Road-hill House, we must discountenance the system of persecution and annoyance to which all the residents are subject. Not content with sending letters containing threats and gross insults, there are those who most improperly trespass on the premises out of curiosity and cruelty. This, at all events, is most unjustifiable. On Sunday afternoon last, for instance, a party of six persons, dressed like gentlemen, rode into the grounds of the house, laughing, smoking, and joking, and, halting in front of the house, made the affair the subject of ribald jest. Seeing one of the young ladies at the window, they shouted, 'There is Constance,' and it was only on Mr. Kent making his appearance that they rode away. It is stated that the fellows had come from Bath, and it would be only what they deserved if their names were made public.

One of the party rode a black horse, was dressed in black, wore a Scotch cap, and had sandy hair. Another, who had light frizzled hair, rode a grey horse, and appeared to have some difficulty in keeping his seat; nearly all of them wore moustaches. Last Sunday morning, also, as Mr. and Mrs. Kent were on their way to church, a large party collected round the gates, and yelled and hooted at them, calling out, 'Who murdered his boy?' 'Who killed the child?' and similar invectives, causing Mr. Kent considerable difficulty in getting his wife into church, she being almost in a fainting state. Whatever may be the suspicion or feeling felt, these are not appropriate methods for their manifestation, nor is it right that carriages should be driven through his grounds by inquisitive gentlefolks, as is now constantly the case. The police surveillance has been removed."—*Bath Chronicle*.

Some degree of excitement has been revived again in this place, owing to the resumption of the police inquiries in the neighbourhood. The discussion last week at the Wilts Sessions appears to have reanimated the authorities, and some suggestions which have been made, and facts trivial in themselves which have been communicated to the police, have led them again to revisit this scene of their former exploits. On Sunday, Mr. Saunders, the barrister, made a personal inspection of the neighbourhood and the house, and on Monday and to-day Captain Meredith and Mr. Foley have been investigating anew. It is believed that their inquiries are directed in part towards ascertaining whether the statement made by Mr. Saunders, at Marlborough, that the gas-light was burning over the hall-door up till 11 o'clock on the morning of the murder, is founded on truth, and also as to the possibility of the murder having been committed by a female inmate of the house, not hitherto criminated, under the influence of monomania. It is stated with confidence here, by those who have been generally well informed, that Mr. Saunders is deputed to proceed to London to-morrow, to have an interview with the Home Secretary. The police assert their determination not to let the matter drop, and still express confidence in their ultimate success. Mr. Kent has decided to remove to his former residence, Baynton House, near Corsham, which is his own property, and will probably do so at Christmas. His anxiety to leave is not to be wondered at, when it is remembered how inveterately his house is haunted. Only last Sunday scores of persons found their way to the spot, and one large party of youths entered the premises and began exploring the grounds. On Mr. Kent challenging them as to what business they had there, they answered that a government reward was offered for the nightdress, and how could he expect them to find it if they were not allowed to come in? It was only on the police being sent for that they took their departure.—*London Paper*, October 25th.

A correspondent of the *Star* says:—"As illustrating the curious reaction which so commonly follows in the public mind, we may mention that a Manchester paper states, and we believe with truth, that since her discharge, Miss Constance Kent has received more than one offer of marriage. We know, also, that invitations to visit all parts of the country have been received from many total strangers, and among them several of the aristocracy. Doubtless a similar revulsion of feeling will follow the release of Elizabeth Gough.

MR. KENT.—We have all of us heard how the name of the father of the unfortunate child has been mixed up with the flying suspicions connected with this terrible event. We hear that not long since Mr. Kent applied to the Rev. Mr. Peacock, the clergyman of Road, to know if he had any objection that he should attend the sacrament. Mr. Peacock intimated that he could not object if Mr. Kent would declare his innocence of any guilty knowledge of the offence. Mr. Kent gave the most solemn assurance he could possibly make to that effect, and Mr. Peacock, fully believing, as he still does, his statement, admitted him to the sacrament, when all who remained in the church immediately rose and quitted the building.—*Bristol Times*.

THE KENT FAMILY.—The *Observer* says:—"Elizabeth Gough, who has just been discharged, is a respectable and well-conducted young woman. She is the daughter of a small tradesman carrying on the business of a baker at Isleworth, and such was the good opinion entertained of her by Mr. Faruell, the extensive brewer of that town, that this gentleman, at his own cost, instructed his own legal adviser to attend the trial and defend her. Various facts connected with the family of Mr. Kent have transpired since the trial. Among others it is stated that the late Mrs. Kent was for some time before her death imbecile; that she was in the habit of calling Mr. Kent "Jesus Christ;" that her mother died insane; that her brother has been twice confined in a lunatic asylum, and that her sister was also deranged. It has also been stated by Elizabeth Sparks, a young woman who lived as nursemaid in the family about twelve months since, that on one occasion when there were only two members of the family at home, the little boy, who has since been murdered, was found in his cot with the bed clothes turned back carefully, and some woollen socks and flannel in which he was put to bed, he being unwell on the previous night, were taken off, one of the socks being found in the morning on the table in the bed-room, and the other in the course of the following day on Mrs. Kent's bed, but Mrs. Kent was wholly unable to account for its appearance in that place. These statements have, however, no immediate bearing upon this mysterious case."



## RE-APPREHENSION, EXAMINATION, AND DISCHARGE OF ELIZABETH GOUGH, THE NURSEMAID.

When it was announced on Saturday last that Elizabeth Gough, the nursemaid, who in the first stage of the proceedings was arrested and afterwards released—had been re-apprehended, it was hoped that at last a clue had been found which would unravel the mystery in which this horrible murder had been enshrouded. The result, however, proves otherwise, and after a long and searching investigation, the magistrates have not felt justified in committing her for trial on the evidence brought before them. Let us hope, however, that this second failure will only lead to fresh efforts to discover the real author of the fearful crime. The greatest interest has been excited, not only in the district, but throughout all England by the proceedings during the present week, special reporters being sent to Trowbridge from London, Manchester, and other distant parts. In order to make our report complete, we give a short sketch of the circumstances which led to the apprehension of the nursemaid, and also her evidence on a former occasion, as bearing somewhat on the present investigation.

It was announced on the 26th ult. that Mr. Slack had concluded his inquiry. The justices met the next day at the Court House, Trowbridge, to hear Mr. Slack's information, and also to consider an important application he had to make. There was a full attendance, consisting of Messrs William and John Stancombe, Ludlow, Crawley, Walmsley, and Standwick. Mr. Slack produced the evidence he had taken, and asked from the bench that a warrant should be issued for the apprehension of Elizabeth Gough, the nursemaid in Mr. Kent's service at the time of the murder. The magistrates, having considered the grounds upon which Mr. Slack made the application, decided upon granting it. A warrant was accordingly put into the hands of Superintendent Foley, and Mr. Superintendent Wolfe, of Devizes, was entrusted with its execution. That official at once proceeded to Aylesford, near London, where Elizabeth Gough had been staying, and brought her on Friday evening to Devizes, where she remained till Monday at the station-house, under care, as it was thought inadvisable in the present state of public feeling, to bring the prisoner to Trowbridge.



ELIZABETH GOUGH AS SHE APPEARED BEFORE THE MAGISTRATE.

Elizabeth Gough is 22 years of age, of fair complexion, dark eyes, and rather good-looking, and was for eight or ten months employed as nursemaid in Mr. Kent's family. Her father, with whom she has been staying lately, is a baker at Isleworth, and visited Trowbridge during the earlier stages of the inquiry before the justices. It is but fair to state that she has never shown any disposition to shrink from an investigation, and has been in communication with Mr. Superintendent Foley since she left Road. Upon being captured she expressed no more trepidation than would have been natural in any one under such

circumstances, and ever since she has been in custody she has been calm and self-possessed in her demeanour.

The examinations taken by Mr. Slaek were submitted to the law-officers of the Crown as soon as the depositions were complete; and Mr. Slaek, and Mr. T. W. Saunders, barrister, had a personal consultation with the Attorney General upon the case, when Sir R. Bethell showed not only a perfect knowledge of the facts and circumstances of the case, but an earnest anxiety that nothing should be left undone to discover the guilty party. The extraordinary and mysterious nature of the murder was, however, acknowledged by the learned gentleman, who admitted that the difficulties presented had not been surpassed in the whole scope of his experience. The limited area, the small number of persons who could have had complicity in the matter, and the short interval of time (from 12 to 4 o'clock) within which the crime must have been committed, were, he said, unique features. Upon going through the papers in consultation, the three learned gentlemen quite concurred as to the course which ought to be taken, and by way of arming Mr. Slaek in any application he might make to the magistrates, a written opinion was prepared and signed by the Attorney-General, declaring not merely that there was sufficient evidence to warrant the arrest of the nursemaid, Elizabeth Gough, but that it was the bounden duty of the magistrates, in the administration of public justice, to cause her to be apprehended, and to subject her to a complete examination.

It will be remembered that Elizabeth Gough was the first person suspected of complicity in the unnatural murder; and it may, perhaps, assist the reader if we briefly glance at the circumstances connected with her former arrest and liberation from custody. Without going over the particulars of the murder or the coroner's inquiry, with which our readers are doubtless already familiar, we may state that subsequently to the commission of the dreadful deed on the night of the 29th of June last, the magistrates examined in private all who were inmates of the house on the night in question, and as the result of that inquiry ordered the nurse, Elizabeth Gough, to be "detained" by the police, Mr. Superintendent Foley removed her to the Trowbridge Police-station, where she remained for a day or two, but was not treated as a prisoner. On the following Monday the magistrates resumed their investigation, still with closed doors, and then decided on giving the girl her liberty. She then returned to Road-hill House, and resumed her duties, the discharge of which had been so unpleasantly interrupted. Her next public appearance was at the magistrates' court, where Miss Constance Kent was put upon her defence. The nursemaid then deposed as follows:—At about 8 o'clock on the evening of the 29th of June she put the deceased to bed, as usual, in his cot, and covered him up. Five minutes afterwards he was asleep, and she retired to rest herself in the same room. Half an hour afterwards Mrs. Kent kissed the deceased, and closed the door of the room. Gough never afterwards saw the child alive. She missed him from his cot in the morning when she woke up, at 5 o'clock. The little girl in the other cot was uncovered, and the nurse, in replacing the clothes, looked across and missed the deceased. She lay down again until 6, when she dressed and knocked at Mrs. Kent's door, but got no answer. She then dressed the little girl and at 7 o'clock awoke Mrs. Kent, and asked her for the child, but she said she had not seen it from the time he was put to bed. Witness next saw him dead. At the adjourned examination the girl thus continued:—When she missed the deceased, she felt so sure that his mother might have taken him, hearing her say that she would whenever he cried, that she (the nurse) lay down again till she went to Mrs. Kent's room. In cross-examination she said she had been in Mr. Kent's service for nine months. She (the nurse) found her door just on the jar, being scarcely open and scarcely shut, when she got up in the morning; it was a quarter-past 6 when she got up to dress; she read a chapter of the Bible and said her prayers before she went the first time to Mrs. Kent's room; it was between a quarter and twenty minutes to 7 when she went to Mrs. Kent's the second time; when she got up at a quarter past 6 and looked at deceased's cot she found the clothes turned neatly down, from the head of the bed to the floor.—By the Bench: She did not miss the blanket from the bed till it was brought in with the body.

For some time after the dismissal of the charge against Miss Kent, Gough continued to discharge the duty of nurse at Road-hill House; but ultimately, "of her own mere notion," she resigned her situation, and has since been residing with her father at Isleworth, on the bank of the Thames near Richmond, and that with the knowledge of the police, with whom she has frequently and freely communicated.



## EXAMINATION OF ELIZABETH GOUGH, THE NURSEMAID.

The prisoner, Elizabeth Gough, was brought up from Devizes Gaol to Trowbridge on Monday morning, in the custody of Mr. Superintendent Wolfe. She arrived in Trowbridge about 10 o'clock, by which time the Court-house was surrounded by a large crowd of persons, many of whom had come from a considerable distance, the excitement both in the town and neighbourhood being very intense. The warrant under which she was apprehended charges the prisoner, on the affidavit of Captain Meredith, chief constable of Wilts, "for that she, on the 29th or 30th of June last, at Road in the parish of North Bradley, in the county of Wilts, did feloniously and wilfully, of her malice and aforethought, kill and murder one Francis Saville Kent, against the peace of our lady the Queen. The warrant was signed by H. G. G. Ludlow, and was endorsed by Mr. J. S. Mansfield, of the Marylebone Court.

Mr. T. W. Saunders, of the Western Circuit (instructed by Mr. Slack, of Bath), appeared on behalf of the Crown; Mr. Edlin, of the same circuit (instructed by Mr. Dunn, of Frome), watched the case on behalf of Mr. Kent and his family; and Mr. Ribton, of London (instructed by Messrs. Farrell and Briggs, solicitors, of Isleworth), appeared for the accused.

The magistrates present were:—Sir J. Awdry (Chairman of the Wilts Quarter Sessions), H. G. G. Ludlow, Esq., J. P. Stancomb, Esq., W. Stancomb, Esq., R. Malmesley, Esq., and the Rev. H. Crawley.

Mr. Clark appeared as heretofore as the Magistrates' clerk, and took the depositions. Captain Meredith, chief-constable of Wilts, Superintendents Foley, Wolfe, and Abbot, were also in attendance.

The prisoner was brought into the Court-house at 20 minutes past 11 o'clock. She was dressed in deep black, and was accommodated with a chair in the dock.

Mr. Ribton applied for a copy of the information on which the warrant was granted, with a view, he said, to see what were the statements in the information, and also as to who was nominally the prosecutor. This, after some discussion, was granted.

The warrant having been read over to the prisoner, and the witnesses ordered out of Court, Mr. Saunders said: I appear before you to-day for the purpose of preferring and bringing home, as I trust I shall do, the charge against the prisoner at the bar which has just been read from the warrant. The offence you are about to inquire into is one of a most enormous character. I don't think I am saying too much if I say that it has conveyed a thrill of horror through every family in this country; but I will not dilate upon the enormity of the offence, because such observations will be out of place here. We are met for the purpose of instituting a preliminary examination, but if I should adduce facts that will justify you in committing the prisoner for trial, it will be the duty of the party having the prosecution, to elaborate those facts, and produce them in a more complete form than we have an opportunity of doing on the present occasion.—The Chairman inquired whether Mr. Saunders intended to ask for an adjournment, for the purpose of completing the case.

Mr. Saunders: No; I have all the evidence ready to support the case which I intend to lay before you, and I believe when you have heard that evidence, you will be of opinion that the case is one for inquiry in another Court. The offence is that of a murder upon a little child about four years of age. It appears that on the night of Friday, the 29th June last, this little fellow was murdered. The murder was discovered early next morning. Naturally enough, a coroner's inquest was held, but unfortunately that inquiry was conducted with a looseness which is much to be deplored, and no satisfactory result arose from it. The Magistrates of this Division thereupon themselves took the matter in hand. Suspicion, in the first place, pointed very strongly against the prisoner now before you. She was apprehended, and several meetings of the magistrates took place in this town, but again unfortunately with no satisfactory result. The prisoner upon that occasion was discharged. Still, the public believed that by a diligent and careful inquiry the mystery was to be solved, and the Government suggested to the magistrates of this Division that the inquiry should not be permitted to stop where it then stood, and that a further investigation should take place. Upon that, my learned friend, Mr. Slack, a gentleman of great eminence in his profession, living in Bath, was employed for the purpose of making inquiry into this very mysterious occurrence. Thanks to his skill and unremitting attention, and his capabilities in general, we are now in a position to present to you facts, which will, beyond all question, press with such severity against the prisoner, as to leave you no alternative but to commit her for trial at the assizes for this county. I should mention to you that between the discharge of the prisoner and the inquiry instituted by Mr. Slack, another party was apprehended at the instigation of a detective from London—a young lady, a member of the household in which the murder was committed—Miss Constance Kent—the party at whose instance she was apprehended having in his mind reasons for believing that suspicious facts existed against her. That young lady was accordingly apprehended, and two or three meetings took place. The charge was preferred against her, and the result was she was liberated. I may say here, and I am glad to have an opportunity of saying so, that I believe from first to last there was not the slightest ground for justifying that proceeding against her. I believe at this moment that the young lady ought to go forth to the world as clear from suspicion as any gentleman I have now the honour of addressing. I feel bound to say so. After having investigated very carefully and very clearly the particulars of this case, I have come to the conclusion, which I am sure every person would come to, who carefully examines into the case, that there was not the slightest shadow of a suspicion against the young lady. I will now draw your attention to the facts of the case. The murder was committed in a house, the residence of a gentleman named Mr. Kent, who is one of her Majesty's inspectors of factories in this district. The dwelling—Road Hill House—is not far from the town of Frome, about three miles and a half; and is about the same distance from the town in

which we are now assembled. The household of Mr. Kent consisted of himself, his wife, two young ladies, his eldest children, Miss Constance Kent, her brother, a young lad about 15 (these were his children by a former marriage), the little fellow who was murdered, 4 years of age, another daughter 5 years, and a younger daughter still, 2 years. These were the members of his own immediate family. In the house were also two servants—Sarah Cox, the housemaid, and Sarah Kerslake, the cook—besides the prisoner at the bar, who filled the situation of nursemaid. In order to comprehend the transaction it is necessary that we should understand the position of the sleeping apartments of the inmates. Mr. and Mrs. Kent slept in the bedroom on the first floor, and in that room slept also a little girl five years of age. These were the only inmates who slept in rooms on the first floor. A passage divided the sleeping apartment of Mr. and Mrs. Kent from that in which the nurse and the little boy slept. Above, on the next floor, the two elder Misses Kent slept in one room; Miss Constance Kent slept in another; the two servants slept in another; and Master William in another. I have thus accounted for the sleeping apartments of the entire inmates of the house. On Friday, the 29th June, this little boy was taken to his bed by the nurse at his usual time, about 8 or 9 o'clock. Having been in delicate health at the time, a pill was administered to him in the presence of his mother. Something will turn upon that; inasmuch as it was an aperient pill, which, according to the doctor's evidence, would have taken effect, and operated in the space of about six hours or so. That fact is material, as showing the probable time at which the murder was committed; for it is clear that the murder was committed before the pill operated; in all probability about 2 o'clock in the morning, which at that time of the year—the 28th June—would be about daylight or daybreak. And here, with the view of fixing the time, I will draw attention to the evidence of the surgeon, who saw the child about 8 o'clock on the Saturday morning; he came to the conclusion that the child had been dead only four, five, or six hours. It must have been, therefore, between one and four o'clock on the morning of Saturday, the 30th June, that the murder, as I have said, was committed. Now the boy was taken to rest as I have described, and the nurse went in due course to bed. Mrs. Kent retired to rest at 11 o'clock, and the house was securely and safely locked up. Mr. Kent, according to custom, saw that the house was perfectly safe. The back door was barred, and the chain was put up at the front door. In the same way the cellar door, the passage door, and every other door in the house was securely locked up. It will be necessary to draw attention to the drawing-room, because that apartment will be the subject of much discussion in the course of this investigation. The drawing-room has three windows looking out upon the lawn; the windows have sashes which move up and down, and they are fastened by an ordinary hasp; there are wooden shutters inside of the room. At night they are closed, shutting together in two divisions, the divisions meeting in the centre. Running across the two divisions are iron bars which fasten at one side, and so keep the upper and lower portion of the shutters perfectly secure. The housemaid, Sarah Cox, on Friday night fastened these three windows; she also secured the door of the room by bolting it on the outside in the passage. Mr. Kent entered that room afterwards. Therefore he was the last person who went into it. He then found that the shutters of all the three windows were perfectly secure in the way I have intimated. Having locked the door of the room and bolted it, he retired to rest. I shall call him before you, and he will detail much more fully than I have all these circumstances. He will tell you, and Mrs. Kent will confirm it, that he went to his sleeping apartment about half-past 11 o'clock. Well, the murder was committed some time after on that night. Strange to say, although Mr. and Mrs. Kent were sleeping in a room adjoining, for it was only severed by a passage from the room in which the little boy was sleeping, and although Mrs. Kent was in that condition that causes a lady to be exceedingly ill at ease during the night, yet she did not hear anything during the whole of that night to awake her attention. Nevertheless the boy was murdered close to her own door, was carried down stairs and out of the house; bolts were undone, locks were undone, shutters were undone, and the window was lifted up. It was one of the mysteries of the case that all this took place without alarming any one of the inmates of the house. The first thing that occurs next morning is that the prisoner goes and taps at the door of the bedroom of Mr. and Mrs. Kent, and makes inquiry for the little boy, asking if he is there. She receives an answer from Mrs. Kent that he was not. She said he was not in his cot. That being so, the parties in the house set to work for the purpose of ascertaining what had become of the boy. Without going unnecessarily over that which the witnesses will detail, I will merely tell the result, which was that the boy was found in a murdered state in the privy, in an out place belonging to the house. It was also discovered that the centre window of the drawing-room was open about half a foot, and that the shutters had been put back, also that the drawing-room door was open. On searching the premises it was found that no felony had been effected upon any part; there was not a scratch nor a breakage of any kind; no bolt had been wrenched; nothing had been torn away; everything was secure with the exception of the window. And here I may say that this fact necessarily drives us to this conclusion, viz., that nobody by violence entered the house. When the little boy was found with his throat cut, he was taken into the house; then of course an alarm was given, and the proceedings taken such as I have indicated. The surgeon who was called in found that the throat was cut in such a way as almost to sever the head from the body. He was of opinion that gash was inflicted after death, and for this reason. We all know that a wound inflicted during life-time will cause the blood to flow; the arteries give a pulsating motion, and if they are severed while the heart is beating, there must be spurts of blood. Instead of this, there were only tricklings of blood down from the wound, which must have been produced after life ceased to exist, besides which, there were certain signs which lead us to believe that suffocation was resorted to before the gash in the throat was inflicted. This opens a wild field for speculation. Was the wound inflicted for the purpose of killing the child, or was it for the purpose of misleading those who would be disposed to think that some one in the house did it? My conclusion is that the child's throat was cut as a blind, for the purpose of drawing suspicion and evidence away from the proper quarter. There was also a stab in the child which penetrated into it some four or five inches, and that stab was inflicted after death. The question, therefore, was, who committed the murder? Did any one break



into the house? It was clear that no one did, for there were no marks of violence from one end of the house to the other. Did the party get in through the window? He could not have got in at the window except through the instrumentality of some one withdrawing the window bolt inside. The drawing-room door was bolted and locked, and some one in the house must have admitted any party who entered it by that way. It may be said that some person was secreted in the house. That is highly improbable, inasmuch as there was hardly any place in the house that would have afforded means to hide for any person to remain there in secret. But if it had been so, the person could hardly have got entry to the house without the connivance or assistance of some person in it. When the window was discovered open it was not sufficiently high for any person to get out with a child in his arms. If a person got out at all, it would hardly be by raising the window higher, and then returning and putting it down; that was highly improbable. In addition to this, the window, when lifted beyond the point at which it was discovered, makes a loud creaking noise, that would have been sufficient to alarm the inmates. I suggest that the window was lifted up in that way simply as a blind, and that the child was taken out the ordinary way, through the back door, being let out by some person in the house, who afterwards put the things in their proper place. It may be suggested again that it was done by one person only; that it was done by the prisoner at the bar. Whether it was done by one or more, I think it will be clear to demonstration that the prisoner was one of the parties concerned. When the room came to be examined, it was found that the little child had been sleeping in the cot, covered in this way: immediately over it was a sheet; over that again was a blanket, and at the top a counterpane. The sheet folded down over the blanket and over a portion of the counterpane, so that the blanket was entirely obscured from view. When the child was discovered in the privy, it was found to be wrapped up in this particular blanket. It is utterly impossible to believe that one person committed this murder. The child was a very heavy boy for his years; and it is idle to suppose that one person took the child from the cot, took the blanket and wrapped it round it, and then left the sheet and counterpane so smoothly arranged as to present the appearance of never having been interfered with. In taking the blanket from between the counterpane and the sheet a very great disturbance must have taken place, and he or she who took the child could not also have arranged the clothes, and any person who had murdered the child and was going away, could not have a motive for re-arranging the clothes. There must have been a second person in the room assisting in taking out the child, withdrawing the blanket, and re-arranging the bed-clothes afterwards. Was it likely two strange persons went into the room to do that? If there were two persons, does not the conclusion irresistibly force itself upon your mind that one must have been the nurse? Can we believe otherwise than that she must have seemed conscious throughout of what was going on? Was it within the bounds of probability that any person could have gone into the room, and opened that door, which, unless opened carefully, made a creaking noise, without her knowing it? The suggestion was almost absurd. It was said that she slept soundly that night, having been engaged in laborious employment during the preceding day, but it would be shown that she was generally a light sleeper. It was clear from her statement that she awoke that morning unusually early—five o'clock. The probability was that two were engaged in the murder; it was physically impossible that one could have done what was done, and there must have been two. If the prisoner was not the only person engaged in the murder, she was one of two who were concerned in it. It was quite clear that some one in the house committed the murder. If the deed was done by a stranger, that stranger could not have committed it without the concurrence and connivance of the nurse, who must have let him out. That fact was almost conclusive against the prisoner, but there were also other facts. It would appear that at five o'clock in the morning she awoke. She said she rose up in her bed, saw that the little boy was not in his cot, but was not surprised at that, as she believed his mother had been there and taken him away. But she had no reason to believe it, because Mrs. Kent was in that condition which almost precluded the possibility of her carrying the heavy child from one room to the other, and during the whole time the prisoner was in the service, Mrs. Kent had not done such a thing. The prisoner then went to sleep, as she represented; and later in the morning rose up, and, after performing some little matters, knocked at the door of the apartment of Mr. and Mrs. Kent two or three times, without receiving any answer; but Mr. and Mrs. Kent would deny such knocking had taken place, as, if it had, they would have heard it. However, at seven o'clock, when Mrs. Kent was dressing herself, prisoner asked if Master Saville was there, and was answered in the negative; it then turned out that the boy was not in his cot, and the house was searched in vain for him. Mr. Kent drove off to Trowbridge in search of the officer of police, his (Mr. K.'s) impression, according to his statement, being that the boy had been stolen away. The body had not been discovered when Mr. Kent left, and before it had been discovered the prisoner had some conversation with Mrs. Kent, telling her that the blanket was gone with the child, and she, hoping that the child was merely stolen, and that no violence was done to it, said, "I am glad of that, it will keep the poor little fellow warm." No doubt the prisoner had the knowledge that the blanket was gone with the child, for she repeated the same observation to Birch and Morgan. The question was, how did she know of it? Could she know of it in any other way than by being conscious of how the blanket was taken away—that it was taken away by the child, then she knew it and saw it done. What was there further to show that to be the case? She felt the pressure of that knowledge, and when the child was afterwards discovered, covered with the blanket, she declared that that was the first time she knew that the blanket had gone with the child. When the child was brought back, murdered, and enveloped in it, she ran up stairs and made the discovery, as if for the first time, that the blanket had been taken with the child. The fact relative to the blanket showed to his mind that she was a guilty party concerned in the murder. It might be that was not the hand that committed the murder, for he believed there was a second person there. What motive prompted either party to commit the atrocious deed he could not suggest, but there must have been some drama enacted there and it was probably the concluding scene. What the drama was he was at a loss to understand or suggest, but that the child was murdered and taken by the connivance and tacit consent of the girl at the conclusion of it, there could be no doubt. There was another fact in the case of great signifi-

cancee; under the child in the water-closet there was discovered a triangular piece of flannel, which would be described as being a chest flannel, worn by females. That flannel attracted the attention of the parties entrusted in maturing the evidence in the case, and it was thought advisable to see if it belonged to any inmate of the house. A female searcher went to Road Hill House to make the examination. She examined the two Misses Kent and Miss Constance Kent, and finding that it did not belong to either, she applied it to the prisoner, who, after much hesitation, and a conversation which would not be much in her favour, at last permitted the flannel to be fitted to her chest, and it was found exactly to fit. That, no doubt, was not a very strong fact against her, because there might be other persons whom the flannel might also fit; but when they found that it was in the privy beneath the child, soiled with the blood that had come from it, they would find from that circumstance that it must have been put there about the same time the child was deposited in the privy, and they would find that, in point of fact, it did fit an inmate of the house, and also in further confirmation of that circumstance, the prisoner's flannel petticoat was composed of flannel of the same character and texture as the chest flannel. Another little fact was this:—When the prisoner was called on to give an explanation of how the child was taken away (though, of course, she feigned ignorance of how the child was abstracted) she said she awoke at five o'clock in the morning, and finding the child aged two years in a naked state, she covered it up and raised herself on her knees to look in the crib to see how the murdered boy was going on. She missed him, but she took no means of alarming the house to ascertain what had become of the little fellow; she again lay down to sleep. It had been, however, found, by actual experiment, that it seemed impossible, from the position she described, that she could have seen the boy in the crib or could have missed him from it. That was a little fact; it had no great weight in itself, but it showed that she was then telling palpable untruths—that she was telling something to establish a case of innocence, which, when examined into, showed itself to be a tissue of falsehoods. He thought, therefore, that the magistrates could come to no other conclusion than that the case was fraught with suspicion of the gravest character against the prisoner, and that the interest of public justice imperatively demanded she should be sent for trial before another tribunal.

At the close of Mr. Saunders's address, Mr. Ribton submitted to the magistrates whether there was any necessity for calling witnesses, for from the statement of his learned friend, he contended that there was really no fresh evidence to adduce beyond that already made public at the inquest and on a previous occasion before the magistrates, and with which the bench were perfectly familiar. There was no maxim of the English law more unanimously recognised than the one which said *nemo bis debet vexari*. The girl having been actually tried before the bench, and by the bench dismissed, and when he found there was not one single new fact in the case, notwithstanding the elaborate manner in which the inquiry had been re-conducted by Mr. Slack, he felt it incumbent on himself at the present stage of the proceedings, to put it before the bench whether they would think it right to re-hear the case, to listen to the same evidence which had been already laid before them, and which he (Mr. Ribton) was warranted in promising, the bench on the previous occasion did not consider sufficient to justify them in sending the unfortunate girl for trial.

The Chairman said the preliminary inquiry never went to the extent that the present inquiry was intended to go. There was some evidence offered, but it was of a general effect, and not specially directed against the prisoner.—Mr. Saunders: Then there was no formal charge against her. She was not in custody on a formal charge, but was only detained that some inquiry might be made. There were no depositions taken.

Some further discussion took place, in which Mr. Saunders stated that he represented Captain Meredith, the chief of the police of the county, acting under the instruction and advice of the Attorney-General.—The Chairman: I am no magistrate of this division, but the magistrates of this division requested my attendance. It was at their instance, and the application to the Attorney-General, that this inquiry was commenced.

The bench, however, overruled the objection, and the examination of witnesses was proceeded with.

Mr. Samuel Saville Kent: I live at Road Hill House; I am one of her Majesty's sub-inspectors of factories, and the father of the unfortunate child. On Friday, the 20th of June, my household consisted of my wife, Mary Ann, Alice Kent, Elizabeth Keut, Constance Emily Kent, William Saville Kent, Mary Amelia Saville Kent, Francis Saville Kent (the boy murdered), and Eveline Amelia Keut, those were the members of my family; Elizabeth Gough, the nursemaid; Sarah Cox, the housemaid; Sarah Kerslake, the cook—were the servants; the eldest young lady is 29; the next 28 (Elizabeth); Constance, 16; and William is 14; these were the children by the former wife; the eldest little girl, by my present wife, is five; Francis Saville was not quite four years; he would have been four on the 8th of August; the youngest was not quite two at the time of the murder. My wife, myself, and Mary Amelia slept on the first floor; two other children and the nursemaid slept on the same floor in another room, where there was a bed for the nurse and two cots for the children; my bedroom was separated from their's by a landing; a person coming from the nurse's room would get to mine across this landing; the distance is about eight feet; to get to the apartments below from my room there is a staircase about 14 or 15 feet in length. The two eldest daughters slept in a room over mine, which is approached by a staircase; Constance slept in a room next to theirs; the two servants (Sarah Cox and Sarah Kerslake) slept in the next room; William slept in a room at the back, on the second floor. Road Hill House stands by itself with grounds around it; it is approached by a large gate and carriage drive; there is a privy about 22 or 25 feet from the house, in which the body of the child was found; the drawing-room is at the back of the house, and the privy in the front; from the drawing-room to the privy must be a couple of hundred yards. All the family were at home on the Friday; Constance has recently returned from a boarding school. I was the last down stairs that night; it is my invariable custom to go all round the house and see that all the doors and windows are shut; I went round the house on that occasion; I examined all the windows and doors and found them all fastened; I went into the drawing-room, and saw that the windows were fastened. There are three windows; they had



shutters; they are very large heavy sash windows. The shutters opened midway, with two or three leaves; the mid ones are fastened with a catch in the centre; the shutters are fastened with a broad bar about the width of my hand; also two hooks and eyes; the shutters when I went in were all secure; it was then about half-past 11 or 12. When I left the drawing-room I locked and bolted the door; I left the key in the door. I then went upstairs and went to bed, and I soon went to sleep; I did not wake during the night; I slept very heavy. I awoke about a quarter past 7; I had not heard any noise during the night. Mrs. Kent came into the room after me, and was with me the whole of the night. I was in the room about 20 minutes before I went to bed; that would make it nearly 12 o'clock when I went to sleep. I was awoke by the nurse knocking at the door and asking for the child; it was about a quarter past 7. Mrs. Kent got out of bed as the knock came. I soon after learnt that the child was missing from its bed. I ultimately went off to Trowbridge in search of the police; as I returned home I met Mr. Peacock near Studley New Church—he said, “I am sorry to tell you I have bad news for you, the child has been found murdered” (witness here was much affected); that was the first I heard of it. When I came back, which was about 6 o'clock—I had not been long, for I went as fast as I could—I made an examination of the premises; there was no appearance of violence about the premises. As I had seen the house locked up safe the night before, it could not have been entered from the outside without violence. On Saturday night I had two policemen in my house; they were sent by Mr. Foley, the superintendent of police; they arrived about 11 at night; I did not let the police into the house until I had heard all the inmates were gone upstairs.

Mr. Saunders: What was their object in going there?—Mr. Ribton objected to the question, and it was not pressed.

Examination continued: I took the police into the kitchen; they were not to stay all night; one was to leave at half-past 2; the other I let out at 5 in the morning; I provided them with refreshment. I was in the library while they were in the kitchen; I did not remain in the library all the time; I went out of the library several times.

Mr. Saunders: For what object?—Mr. Ribton protested against the question, contending that it had nothing to do with the charge against the prisoner, though it might exculpate Mr. Kent. If that was the object of the trial, which he presumed was not the case, he could not see how anything done or said by Mr. Kent could be evidence against the prisoner.

Mr. Saunders said they were endeavouring to ascertain if there was any one acting in concert with the nurse, seeing that there must have been an accomplice. It might turn out that Mr. Kent was searching for that accomplice, and that he went out and saw some one in communication with the nurserymaid.

The Chairman ruled that the question was admissible.

Mr. Ribton protested against the answer being on the depositions if it was not relevant.

Examination resumed: I went out to see if the lights were out; I went out several times for the same object; the officers were at this time in the kitchen; the kitchen door was bolted; but there was another door by which they could let themselves out of the house, and supposing the passage door was not locked, about which I am not certain, they could have let themselves into other parts of the house.

The Chairman expressed his surprise, seeing the care taken in the preparation of the case, that a plan of the house had not been prepared.

Mr. Saunders admitted that it would have been better.

Mr. Kent continued: I let the policeman out at a quarter past 2, which was the time he told me he would want to leave; he then told me that he had knocked. I bolted the kitchen door for the purpose of having the house locked up as usual, so that it might present the same appearance and the inmates not know that there were police on the premises. I have a large Newfoundland dog which I keep for the protection of the premises; I let it loose at night; on Friday, the 28th of June, I let it loose at a quarter-past 10; it barks and makes a noise at the approach of strangers; I have frequently heard it; I did not hear it bark that night, as I slept the whole night; it has occasionally awoke me out of my sleep, and I have gone round the premises. The dog does not bark at the inmates of the house because it knows us all so well.

By the Chairman: I did not go off to Trowbridge without searching for the child; I did not search myself, but I gave instructions to the gardener to do it, and pointed out to them that the drawing-room window was open; I went off to Trowbridge, believing that the child was stolen because the drawing-room door was open. It is a Somersetshire policeman who is stationed at Road; Trowbridge is the nearest police-station to my residence. Part of my grounds are in Wiltshire and part in Somersetshire. A policeman was stationed at Trowbridge. There is no door leading from my bedroom to the nursery; there is into my bedroom; another door is blocked up by a large wardrobe; to get into the nursery from the dressing-room you must pass through my bedroom, and go across the landing. I had not been in the nursery before I went to Trowbridge; I got off as soon as possible.

Cross-examined by Mr. Ribton: I have been before the magistrates and Mr. Slack, and detailed the facts I have given; I did not enter into any details with the police on the Saturday. When I appeared before the magistrates it was a private inquiry. I did not go into the matter so fully, but what I said was substantially the same. I think it was about a fortnight after the murder; I did not tell the policemen all these particulars. I had said before to members of my own family that no one could have got into the house from the outside. I am not aware that I mentioned that fact to the police; I may have done so; I told Mr. Stapleton, a medical man, who called on me. My mind has been so disturbed about so many things that I am not so clear as I should like to be. The police asked me a variety of questions. I certainly did entertain an opinion that no one could have got in from the outside. I told the gardener and assistant-gardener to hunt about for the child; I did not search except near the drawing-room window. My object in going into the garden before I went to

Trowbridge was not to search for the child, but to tell the gardener to do so; I did not search myself because I was anxious to go to the police-station to give the alarm that the child was stolen.

Mr. Ribton: If you believed that the child was stolen, why did you tell the gardener to search about the premises?—Witness: I thought if they searched the premises they might find some track of the child—I mean traces of some person having left the premises. I never thought of a person leaving the premises by the ordinary gate. The place is very open; there is only an iron railing to separate the lawn from a field. The premises are very exposed and very accessible. At the back of the house is a large garden, with a field adjoining, which at the time had very long grass put up for mowing; the latter is about seven acres; there are several other fields adjoining, divided by posts and rails. Any one who got away by the back premises must have gone either through the garden or the field of standing grass; there would have been a track if any one had gone across the field, and it would have soon been detected. It would have taken half an hour to search the premises properly. I called at the policeman's house at Southwick as I came to Trowbridge; he was not up, and I told his wife to look out for a child, as one had been stolen. There is a policeman who comes up to my premises on duty every night; he lives at Road; but I don't know where he lives. I saw the parish constable, as I came out of the gate, and told him to look for the child, and I think he told me that he would tell the Road policeman; he also directed me to the Southwick officer. On the Friday morning there had been sweeps in the house, between 6 and 7 o'clock; I do not know how many; I did not see the sweeps. I have had the dog referred to two or three years; it is a good house dog; he knew me very well. The police came there on Saturday by an arrangement of Mr. Foley's; I did not require them; there was no arrangement with me that they should come; in the after part of the day Mr. Foley communicated to me that they would be sent. They came about eleven o'clock—first went into the library, and afterwards to the kitchen.

Mr. Ribton here again expressed his regret that there was no plan of the premises. Mr. Ludlow handed to the learned barrister the plan of the house as it appeared in a contemporary (the *Bath Chronicle*). Mr. Kent observed that it was as incorrect as it could possibly be. The Chairman said he should imagine so, by comparing the representation of the house with the ground plan in the same paper.

Mr. Kent: The plan is most incorrect; the police have frequently measured the house. A request was made to me, through Mr. Dunn, for a plan of the house. I refused it by the advice of Mr. Dunn.

Mr. Dunn contradicted this statement, and said he had no application made to him to have a plan.

Mr. Kent: I remained with the police a few minutes in the kitchen. I did not lock them in; I bolted them in. They did not ask me to do so. I believe I told them that I intended to do so. I cannot tell whether I told them or not. They heard me bolt the door. I know they heard me, because it is a noisy bolt. It was not unbolted until half-past 2. I did not go to bed. I remained in the library. I went out several times. I don't know what they were doing in the kitchen. I gave them bread and cheese and beer. I knew the time to let them out by my watch. I did not hear them knock. When I let them out they said they had knocked. All the inmates were gone to bed. The gardener sleeps at his own house. When I went out I did not see any one outside. When one policeman went away the other remained in the kitchen until 5 in the morning. I bolted the door upon him also. I did not tell him that I had done so. I never made any arrangement with the police at any time that I should bolt them into the kitchen. The reason that I bolted them in was that no one in the house might suspect that the police were in the house, and that it might appear as upon other nights, so that if any one came down stairs they might not know that the officers were there. I told my wife only that the police were there. I did not tell my daughters. I don't think I should have attained my object by telling them to remain in the kitchen. I did not expect anybody to come down stairs. On the Saturday I made inquiries of all the servants as to the murder with the exception of the nurse, who was spoken to by Mrs. Kent—not in my presence. She slept in the room with the children. Mrs. Kent told me that she had interrogated the nurse, and gave me the result. I did not put any questions to her. She told me how the bed-clothes were left during the month she remained with me. I may have asked her a few questions. I believe I did. I cannot positively say whether I did or not. I saw but very little of her afterwards. The same day I had a communication with Mr. Rodway, who called upon me. I asked him to attend the inquest, and watch the case for me.

Mr. Ribton: Why?—I did not know what might transpire.

You did not require an attorney to ascertain what might transpire?—No, but there was a report that my son William had murdered the child, and I wished to be represented at the inquest by an agent. It was in consequence of that report that I instructed Mr. Rodway to appear for me as my attorney. After I went to my bedroom Mrs. Kent came in. She did not go down stairs. The door of the nursery is exactly opposite to the door of the bedroom. Before I left for Trowbridge I did not go into the nursery. When the nurse came she asked if the children were in my bedroom. My wife said, "Children! what do you mean by children? There is only one child, Minnie." Mrs. Kent went outside, and spoke to her. I did not hear what passed. My wife went in and out several times. It was Mrs. Kent who communicated to me first the loss of the child. She went out, and in about a couple of minutes she returned, and said, "Saville is missing from his crib." I thought it was gone up to its sister's room. I said they must hunt for it. I was in bed at the time. When she came a second time, and told me that the child could not be found, I got up and went down, as I have described. I did not go into the nursery myself that morning. No one had used the word stolen. When I went out the night the police were in the house the dog did not bark.

Re-examined by Mr. Saunders: Nothing had been stolen from the house. Before I left for Trowbridge, I did not make inquiries if anything had been stolen.

By the Chairman: When I was told the child was missing I concluded that it was stolen.

The court then adjourned for a few minutes, and, on the resumption of the inquiry, Mr. Ribton



requested that Mr. Kent might be recalled, for the purpose of asking him a few additional questions in reference to the blanket.

Mr. Kent, in reply to Mr. Ribton, said: I knew before I started for Trowbridge that a blanket was missing. Mrs. Kent told me so when I went up to wish her good-bye. She expressed her satisfaction that the child had something to wrap round him, the absence of which she had lamented before. I told a woman at Southwick that the blanket was missing. I have never denied saying that I knew that the blanket was missing when I went to Trowbridge.

Mrs. Mary Drewe Kent, who was attired in deep black, and wore a thick veil, was next called, and presented herself for examination.—Mr. Ribton requested her to raise her veil.—Mr. Edlin submitted that if she spoke audibly, the bench would not require her to lift her veil.—The bench requested her to do so, and remarked that Mr. Edlin had no position in the case. The witness accordingly raised her veil, and said: I am the wife of the last witness, Mr. Francis Saville Kent. I have been married to him seven years; my family consists of four children; I have had another child since the murder. The prisoner has been in my service about ten months. In the course of Friday, the day before the murder, I caused an aperient pill to be given to the child, Saville, under the advice of my medical man. The pill was given rather before 8 o'clock. The little boy slept in the nurse's room. I saw him go to bed at 8 o'clock. The nurse assisted me in putting him to bed. He slept in a crib by himself. The nursery was a moderate-sized room; the crib was a very short distance from the nurse's bed. The boy was usually covered with a sheet, blanket, and quilt; the sheet was turned over the quilt, and no part of the blanket was visible. I went into the room after the child was put to bed; the nurse was gone down stairs. It was my custom to do so. It was after 8 o'clock and before 9. I think I looked in again after the nurse came up. It was somewhere about half-past 10; the nurse was in her dressing-room, which is just inside the nursery, and which is appropriated to her own use. The nurse went up with me to an upstairs window for the purpose of looking for a comet supposed to be visible. I believe the nurse afterwards went into the nursery. I went down to the dining-room. I remained there till 11 o'clock. I and my husband were the last persons up; the rest of the inmates had retired to bed. With the exception of my husband, I was the last person up. I went upstairs to bed about 11 o'clock. The nursery door was then ajar, and I shut it. I did not see the nurse in the room, but I surmised she was there, and I shut the door as usual. The door is easy to shut, and makes no noise. The handle requires care to turn else it makes a noise, when the door is shut. It is a creaking noise. After shutting the door I went into my bedroom, and prepared for bed. Mr. Kent came to bed about half-past 11. I was not in the room when Mr. Kent came. I returned within a minute after Mr. Kent got there. Mr. Kent did not leave the room again until the next morning at half-past 7. My nights are very restless. I laid awake a little while. I awoke frequently during the night; I cannot tell how many times I awoke that night. Early in the morning I heard a noise, as if the drawing-room shutter was being opened. It was in the dim light of the morning. I did not call my husband's attention to it as he was asleep. I can't say that I was alarmed at it, because I concluded it might be the servants. I did not hear the dog bark in the course of the night. It is accustomed to bark at the presence of strangers, and it may at night at members of the family, but he knew them very well. I commenced getting up at a quarter past 7, and looked at my husband's watch. Before that I had not heard any knocking at my door. If there had been an ordinary knocking I think I should have heard it. Whilst I was dressing, the nurse came to the door: she knocked, and I opened it. She said, "Are neither of the children awake?" I answered her, "What! neither of them awake, nurse?" because I was astonished at her asking for two. I had one sleeping in my room in a little cot. She said, as well as I can remember, "Master Saville, is he not with you?" I replied, "With me! certainly not." She said, "He is not in his bed." I immediately went into the nursery to look for him. I believe I asked her if she had left the chair against his crib. I believe she said she had not. I then went up to his sisters to look for him. I am not quite sure whether I asked her then, but if not then I know I did subsequently, when she missed the child. She said about 5 o'clock. I told her that she ought to have come to me, and asked her why she did not? She said she did not come, for she thought I had heard him cry and had come and taken him away. I said, "How dare you say so! you know I could not do it!" My little boy was not quite four years of age. He was a very heavy, strong boy. The day before he was brought to my room for me to take him, I said, "You must put him down, I cannot carry him." During the time the nurse was in my employ I never had gone into the room and taken the child while it was asleep. I had given her instructions that, in case anything occurred to the children to make her uncomfortable, to come at once to me. I said I would rather be called for a trivial cause than not be called when I was wanted. This was my general instruction to the nurse. When the nurse went to look for the child in Mr. Kent's bedroom I followed her upstairs. I came back, and then, I think, the nurse told me that Cox, the housemaid, had found the drawing-room door and window open. I went back to my bedroom. Mr. Kent had not, at that time, risen. When I told him that the window was open, he got up immediately, and, having dressed himself, he went downstairs. We were in a state of bewilderment, going about from room to room. Before my husband left I was aware that a blanket had been taken with the child, the nurse told me so. There was a great deal of confusion about the house. I did not hear that the child was murdered until Mr. Kent came home. The nurse assisted me in dressing after my husband had left. She spoke about the missing child. She said, "Oh, ma'am, it is revenge." The nurse told me that she was a sound sleeper.

Cross-examined by Mr. Ribton: I had never, as I am aware of, taken the child away before I was pressed during this nurse's time. If I had ever done so the nurse must have been up. She was certainly not in bed. I may have done so in the morning, but not early, but I cannot remember doing it. When the nurse knocked at the door Mr. Kent was in bed. I was up dressing. I think I remarked the hour to Mr. Kent when I got up. He did not make any reply. He was between sleeping and waking. I had been up about a minute or two before the nurse knocked. It was not the knocking that awoke Mr. Kent; he was awake before the knock came. The nurse knew that I

had had very bad nights for some time past. She told me she had knocked at a quarter to 7. I remember the nurse saying that she did not like to disturb me because she knew I had had such restless nights. I do not remember telling her I did not because I had slept sounder in the morning having had a very restless night. It is impossible to remember all that passed. I believe I did sleep sounder towards the morning. I cannot tell whether I slept an hour without being disturbed. Before Mr. Kent left, the nurse told me that the blanket was missing. I told Mr. Kent of it just as he came to my door to tell me that he was going to Trowbridge. To the best of my belief the nurse was particularly kind to the child, and seemed very fond of it. I believe he was also very fond of her. I cannot say whether she was very much distressed that morning, because I was too much occupied with myself and my husband. I have been examined by the magistrates at my own house, and by Mr. Slack last week. I did not give any evidence when my daughter was examined. I was not informed that the body of the child had been found until the return of Mr. Kent; it was known to the rest of the house, but it was not communicated to me. The other two servants were fond of the child; they were all fond of him. When the nurse said, "Oh, ma'am, it is revenge," she knew that the child had been brought in dead, but she was not allowed to tell me. I don't remember what I said to her. I was lamenting that the child would catch cold until I heard that the blanket had been taken with it. I knew that the police were in the house the next night; Mr. Kent told me. He was downstairs the whole of the night. I myself saw the drawing-room window open. I saw the mark of two feet on the white drugget that covered the carpet. It was apparently made by uiled boots, and men's feet. I believe all in the house saw them, but they were considered of no consequence, because so many people had gone in and out of the house. The police had been in and out through the window. The housemaid told me, while I was dressing, that many people had gone in and out of the house. I scolded the housemaid for not having told me that the window was open as soon as she found it so. When the nurse first came to my room she did not tell me what she had been doing between 5 o'clock, the time she had missed the child, and 7 o'clock. She said she knew the child was gone, because when she went to cover up the other child she saw that his crib was empty. She told me that she afterwards went to sleep. At 7 o'clock, when she came, the other child was washed and dressed. That would have taken a quarter of an hour or twenty minutes. After the child was found she came for the key to go up stairs and see the child, and she told me she had kissed it several times; but I did not see her. Before it was screwed down, she wanted to go and kiss it; but I cannot say whether she did or not. I cannot say whether she was much distressed. I saw her crying several times, and she spoke of him with affection.

Re-examined: I do not know anyone who entertains revengeful feelings towards me and my family. Deceased was a great favourite with all the household. He was a nice, playful, chatty, little fellow.

Mrs. Kent, at the close of her examination, wished to make a statement.

Mr. Ribton objected to any such volunteer statement being received.

The Chairman thought that the bench, in a case of this kind, must hear, perhaps, a great deal that was extraneous for the purpose of eliciting the truth.

Mr. Edlin said he could relieve his learned friend of any difficulty, by assuring him that what the witness was about to state would not be at all prejudicial to his client.

Mr. Ribton said, if the magistrates wished to hear the statement they could do so in private; but it was illegal to hear it in a public court, where it might go forth to the world.

Mr. Saunders said he asked every question he thought requisite for the elucidation of the truth, and he could not consent to Mrs. Kent making any further remark. He did not say so offensively to her, but they should proceed with regularity, and follow the course universally adopted.

The Chairman said Mrs. Kent had better communicate with her legal advisers.

Mr. Edlin said he should not have interposed, but the lady voluntarily stated she wished to make a statement.

The Chairman ruled that, under the circumstances, the statement should not be received; but intimated that the witness could make any communication to the counsel engaged, and that they could make such use of it as the law and justice of the case required.

Sarah Cox said: I have been for some time nursemaid to Mr. Kent at Road Hill House. I entered the service on the 18th April. I am in his service now. Kerslake, the cook, was there when I went; she is there still. I and her slept in the same bed on the same floor. It was my duty to lock up all the front part of the house. On Friday, the 28th June, I locked up my portion of the house; I locked up the dining-room windows, the hall windows, the front door, the library window and door, and the staircase window. I did not fasten up the back part—that was done by the cook, Sarah Kerslake. There were three windows in the drawing-room; they opened in the centre, the upper part going up and the lower part down. The window was shut and fastened by a clasp. The shutters were fastened by a clasp, the upper portion being fastened by hooks which fastened the whole of them. I fastened them about 9 o'clock. I also fastened the drawing-room. I did not know that my master had gone into the drawing-room afterwards. I and my fellow-servant went to bed about a quarter to 11. I slept in a room on the second floor, next to that occupied by Miss Constance, and in two other rooms the elder Misses Kent slept. I went to sleep about a quarter past 11. I did not wake all night. There was a Newfoundland dog let loose on the premises at night by Mr. Kent. I did not hear it bark that night; I have heard it bark about once. I got up a little before 6; my fellow-servant rose about the same time. I did not leave my bed the whole of the night. When I got down stairs I found the whole of that part of the house that I had fastened safe just as I had left it, except the drawing-room. I found the door a little way open, and the top shutters put together; one at the bottom was put together, and the other was opened a little. The window was a little way up, about six inches. It was not high enough to enable a person to get out. No one could have opened the window from the outside. I did not observe any footmarks. I did not mention this to my fellow-servant; I thought that one of the young ladies might have come down and opened the window before I



was up. Mr. Foley came the same morning, and I pointed out to him the position in which I found the shutters and window; also to Urch, the Road policeman, and Morgan.

Cross-examined: I have never seen Mr. Kent go round the house and see that the place was all right. The other servants told me that he did. I heard that the child was missing at about a quarter past 7. I have been examined once before the magistrates and once at the inquest—also when Miss Constance was tried, and by Mr. Slack at Mr. Kent's house. Mr. Slack, his two clerks, Mr. Wolfe, Mr. Dunn, and Mr. Foley, were present. Mr. Dunn attended as the solicitor for Mr. Kent. Mr. Slack was examining me three hours and a half.

Mr. Ribton: You must have told him a great deal more than you have told us?—Witness: I told him all that you have asked me. (Laughter.)

Mr. Ribton: Do you recollect anything you told him that you have not told us?—Witness: I was examined about a night-dress that was lost.

Mr. Ribton: And who did that belong to?—To Miss Constance.

Mr. Ribton: And was it lost?—Witness: It has not been found, and so I suppose it was lost. The other members of the family were examined, but not the same day. He might have been an hour examining me about the night-dress. He was nearly a week examining us all. There were two rooms unoccupied on the first floor, and two on the second floor. There were two lumber-rooms and two bedrooms. I did not see any footsteps when I came down; I did not look for any. I did not look to see if anything had been stolen. I was afterwards told by the nurse that the boy was missed from his room, and she asked me if I had seen him. I told her no, but that the drawing-room window and shutters were open. She made no reply to me, but went upstairs.

Re-examined by Mr. Saunders: I was a voluntary witness before Mr. Slack. I was willing to tell all I knew about it. I was not aware that my examination had the sanction of the highest authorities of the land. No one could have been secreted under the sofa in the drawing-room, otherwise they would have been locked in.

This was the last witness examined to-day, and the inquiry was then adjourned till the following day.

The prisoner appeared to be very collected throughout the day, and frequently suggested questions to her solicitor. Her face, nevertheless, bore an anxious, careworn appearance. Both Mr. and Mrs. Kent were hooted as they left the Court by the rabble outside. Mrs. Kent gave her evidence in a very clear and collected manner, and free from any bias against the prisoner, who seemed to take particular interest in her statements, and frequently looked intently at her.

At the close of the proceedings, Mr. Edlin announced that Mr. Kent was willing to give the magistrates every facility for obtaining a plan of the premises, an offer which it was understood would be accepted.

#### THURSDAY.

The inquiry was opened at 11 o'clock this morning, the same magistrates being present as yesterday.

At the opening of the proceedings,

Mr. Ribton said he understood that Miss Constance Kent would be called as a witness, and as there had been a formal inquiry in regard to her before the magistrates, when depositions were taken on oath, though he believed they were not signed, he was very anxious to have an opportunity of seeing the statements by the several witnesses.

Mr. Saunders said he had no objection to offer, as it was a matter that rested with the discretion of the magistrates.

The bench assented, and the depositions were handed to the learned gentleman.

Mr. Ribton requested that he should be furnished with the minutes of the evidence taken by Mr. Slack, as well as with those taken before the magistrates.

Mr. Slack said the minutes in his possession were the private property of the magistrates, for whose information they were taken.

The Chairman said it was the opinion of the bench that Mr. Ribton should have an opportunity of seeing the minutes of the evidence taken by Mr. Slack.

Mr. Slack: Very well, Sir; I shall be happy to furnish copies to the learned counsel.

Sarah Kerslake said: I am cook in the service of Mr. Kent; I entered his service a year and ten months ago. On Friday, the 29th of June, I saw the little boy, the subject of this inquiry, at half-past 7. That was the last time I saw him. It was my duty to attend to fastening up the back part of the house; the rest of the house was seen to by the housemaid, Sarah Cox. I am quite sure I fastened up the whole of it on that evening. I went to bed at a quarter before 11. I and the housemaid slept in the same room on the second floor. The housemaid went to bed at the same time. I do not know who I left up in the house. I believe Mr. Kent was up, but I cannot say. It might have been half-an-hour before I went to sleep. I awoke about 5 o'clock in the morning. During the night nothing had occurred to disturb me in my sleep. I went to sleep after I awoke the first time, and awoke again at a quarter before 6. As far as I know my fellow-servant was with me in bed the whole of the night. I said to Cox, "It is time to get up," and we got up and dressed ourselves. I went out a few minutes before Cox. When I got down stairs I found that part of the house which I had fastened just the same as I left it the night before. I unfastened the various doors that I had secured the previous night. My attention was not called to the drawing rooms. It was about a quarter past 7 that I heard the boy was lost.

Cross-examined by Mr. Ribton: I was not examined on the inquiry when Miss Constance Kent was charged; I have given evidence once before the magistrates at the Temperance Hall, Road; I was not sworn; I gave the same answers that I have given to-day; the same questions were put to me, and the same answers were given by me. If my fellow-servant had left the room during the night I think she would have awoke me. When we came down stairs Sarah Cox went to the drawing-room, and I to the back part of the house. The first time I heard that the drawing-room

window was open was when the child was missed, I heard it from Sarah Cox; I cannot recollect what time it was, it was not long after the time that I heard the child was missing; she did not tell me of it, but I heard her telling some other person that the drawing-room window was open; I did not go into the drawing-room to see for myself the whole of that day. I have since tried the window to see if anyone could open it from the outside and pull back the shutters as they were found; no one desired me to do it, but I and Sarah Cox tried because people said it could not be done; we found that it could be done quite easily. I did not step out through the window, but Cox went outside and drew the window down, and afterwards stepped out without any difficulty; I could have done so also. The prisoner was not then with us, she did not know we did it; I did not tell her that we had done it; we told Mr. Kent this morning; we never mentioned it before to anybody; Cox asked me to come and try, and no one else. I do not think Cox mentioned it to anybody; we did not think it worth while to mention it to anyone. When Cox asked me to assist her, she gave me no reason for trying the experiment; she told me that she had heard it could not have been done by anyone from the outside. When I went before the magistrates we had not made the experiment. I did not hear the prisoner give her evidence before the magistrates; she was examined. I was examined lately by Mr. Slack at Mr. Kent's house; I did not mention it there; we had not tried it then; we only tried it this morning. I was under examination by Mr. Slack nearly two hours; I told him all that I knew. Mr. Dunn was present for Mr. Kent. He did not take part in the proceedings; he did not make any suggestions, or ask any questions. I did not know whether he was writing or not. I do not think I saw the prisoner on the morning of the murder until after the body was brought in.

Re-examined by Mr. Saunders: I had often observed this window; it was a sash-window, and fastened with a hasp; when the shutters and windows are fastened no one could get in from the outside; no one could pass from the drawing-room into the house when the door is bolted. When the window is pushed higher up than it was found, then a person might get in. There was a chimney sweep in the house the day before the murder; it was a young man from Trowbridge; his name is Wiltens; he came at 6 o'clock in the morning; he swept the kitchen and the nursery chimneys: I cleared up the kitchen after he had left. I had nothing to do with the nursery.

By the Chairman: When Cox tried to get in the shutters were partially opened and the window was unfastened; she merely tried to draw the shutters to, so as to leave them and the window in the same state they were found on the day of the murder.

James Holkbam said: I am a gardener and groom in the service of Mr. Kent at Road Hill House; I am such now, and was so on the 29th of June; I did not sleep upon the premises; I live on the opposite side of road; my house is about 30 yards from my master's premises; my hours of labour were uncertain; just when I was called I went. On Friday, the 29th of June, I left about 7 o'clock: Alloway, the lad, left at the same time; he lives at Beckington, about a mile and a quarter away. I went to the premises about 5 o'clock on Saturday morning; I locked the garden gate and passed through the garden to get out. There is a Newfoundland dog on the premises; he makes a great noise occasionally; he is shut up in a yard at the back of the premises; I can hear him bark at my house so as to awake me; he has done so before now; I did not hear any barking that night. When I have heard him bark I have gone down and quieted him; he makes a great noise. I tied up the dog when I got there on Saturday morning. Alloway came about 6 o'clock, and he came in at the door which I usually open of a morning; he is a helper for the servants in the house. I went about attending to my horses, cows, and some mowing that I had to do. I heard that the little boy was missing about 20 minutes to 8; my master sent young Master William to tell me to get the carriage ready.

Cross-examined by Mr. Ribton: I saw my master before the carriage was ordered; he told me that young Master Saville was lost, that some one had stolen him and carried him away, and he then ran on round the garden, and I did not see him afterwards. I cannot be sure whether Mr. Kent told me to search for the child; when I said I would search for the child, I cannot remember whether he said "Do," or not, for he ran off in a great hurry. No one could get into the garden, which has a high wall round it. I was not examined when Miss Constance Kent was brought up; it was about three weeks ago that I was examined at Mr. Slack's office; Mr. Wolfe was present; Mr. Dunn was not. The water-closet is at the end of the house; it is in under a shed and concealed by trees; Bengier and Knutt found the child, and brought it into the yard. I went into Mr. Kent's house about half-past 6, by the back door; I saw the cook and housemaid down stairs, they did not tell me anything about the state of the drawing-room window. I don't know that Alloway had been in the house before me; he was in and out of the yard with me; I don't know whether it was Mr. Kent or the housemaid who told me that the child was missing. The dog is getting old and is not so sharp as he was.

By the Chairman: Besides me and Alloway there was a man named Oliver, who came about 6 o'clock and worked in the garden.

Emily Doel: I have been for some time an assistant nurse in Mr. Kent's family; I was so at the time of the murder; I do not sleep there; I go at 7 in the morning and leave at 7 in the evening; that is my custom. I left on Friday, the 29th, at 7 o'clock; on Saturday I went at 10 minutes before 7; I went about my ordinary employment; I went into the nursery after lighting my fires; I do not know what time it was; it was before any alarm was given that the child was missing. I went into the nursery more than once that morning before the child was missed; the nurse did not say anything to me about the child being gone.

Cross-examined: It was long before 8 o'clock when I went into the nursery; the nurse was making her own bed; I went in with the bath and out again; I did not say anything to her; I know she saw me because she looked round. Mrs. Kent was in her bedroom, I believe, but I had not seen her. It was before Mrs. Kent was knocked up by the nurse that I went into the nursery.

A plan of the premises having been handed to the bench, Sir John Awdry asked what was beneath the drawing-room window—gravel or lawn?—Mr. Slack replied lawn.



The Chairman wished to know whether it was a heavy dew or not on the morning of the murder?—Mr. Slack said that the witness Oliver would depose to these facts.

Miss Mary Ann Harris Kent said: I am the eldest daughter of Mr. Kent, who is living at Road Hill House; the poor little boy, whose death we are inquiring into, was my half brother. I saw him last about 7 o'clock on the evening of Friday, the 29th of June, I went to bed about half-past 10 o'clock; I and my sister Elizabeth slept in a room on the second floor; we went up to our room together. I went to bed, and my sister went to see if the candles were put out in Constance's and William's apartments. Soon after being in bed, which was about half-past 11, I fell asleep; I awoke at 6 o'clock in the morning; I don't remember waking up during the night; my attention was not called to anything during the night. To the best of my belief, my sister Elizabeth remained with me during the whole of the night; I fastened my bedroom door, and found it in that state the following morning; about half-past 7 the nurse came to the door and inquired if Master Saville was with us, as she could not find him.

Miss Elizabeth Kent, the second daughter, deposed that the light both in Miss Constance's room and her brother William's apartment was put out when she went to look on the night in question; after which she went to look for the comet, and then retired to rest; in other respects she also confirmed her sister's statement.

Miss Constance Emily Kent said: I am the daughter of Mr. Kent, and the two last witnesses are my sisters. I was at home on the 29th June. I had been at home about a fortnight. I had previously been at school at Beckington as a boarder. The little boy who was murdered was at home also. The last time I saw him was in the evening when he went to bed. He was a very merry, good-tempered lad, and fond of romping. I was accustomed to play with him often. I had done so on that day. He was fond of me, and I was fond of him. I went to bed about half-past 10. I slept in a room between that occupied by the servants and my two sisters. I went to bed at once. I remember my sister Elizabeth coming to my room. I was nearly asleep then, and I was quite asleep shortly after. I next woke about half-past 6. I did not awake in the course of the night at any time. I was not disturbed by anything. Soon after I got up I heard of my brother being missing. On Friday night I slept in my own dress. I put it on clean on Sunday or Monday evening. I was accustomed to wear the same nightdress a week. I generally made the change on Sunday or Monday, not always the same day. When I got up on Saturday morning I placed it on my bed; that was the nightdress I had worn on the previous days of the week. The cook and the housemaid made my bed. The nightdress was there before them when they made the bed. On Saturday, the 30th June, I slept with my sister Mary Ann. My sister Elizabeth slept with my mamma, papa remained up. I slept with my sister for company. I don't know whether anyone slept in my bed. I wore the same nightdress on Saturday as on the night before. When I took it off I left it in my room; that was Sunday morning. On Sunday night I slept in my own room; the rest of the parties resumed their own beds. I am not certain whether I put on a clean nightdress that night or Monday night, as I put on a clean nightdress every week—one goes to the wash every week. I put out my clean nightdress to wear on the Saturday, as I always do. The dirty linen is collected for the wash on Monday morning. It is Cox's duty to collect it. In the usual course she would collect my nightdress. It has been said that one of my nightdresses is missing. I do not know what has become of it. I had three nightdresses.

Cross-examined by Mr. Ribton: I had been at home for a fortnight. I had been away during the half-year. I was the only one of the female members of the family who slept alone. The prisoner was examined when I was in custody.

In reply to an application of Mr. Ribton, Mr. Slack said the depositions taken on that occasion would be put in evidence.

Witness resumed: I heard her give evidence. I heard on the morning of the murder from the nurse that a blanket was missing, I am not certain whether it was before or after the child was found that she told me. I heard the prisoner go to my sister's door and ask if they had taken the child away. I heard the knock, and I came to my door to listen and hear what it was.

Re-examined: My door adjoins that of my sister's bedroom; they are quite close. I was nearly dressed at the time of the knocking.

James Morgan said: I am a baker residing at Road, and am parish constable. I know Road Hill House well. On Saturday morning, the 29th June, Master William Kent applied to me for a policeman, and I sent him to the Somersetshire man, who was the nearest. Urch, the policeman in question, called at my house, having some doubts as to whether he could act out of the county. On our way we met Mr. Kent. He was coming out of the lawn. I made some inquiries of him. I asked him what he had applied to me and the other policeman for? He said that he had had his little boy stolen. I said, "You need not go farther than Southwick, because you will find a man there in our county, and he will forward it on to the station." He said, "I shall go on." Mr. Kent was in his carriage, and he was going on towards Trowbridge. He wished us to go on to the house and make a search. I went to the house and into the kitchen, and asked the housemaid how the child had been taken away? Cox showed me into the drawing-room. I went and examined the window, which was up four or five inches. I went and asked permission to go to the nursery, where it was considered the child had been taken from. I and Urch afterwards went into the nursery. We met the nurse at the top of the stairs going into the nursery. It was about half-past 7, just after Mr. Kent had started away. I asked her to show us the cot where the child was taken from. She showed us the cot in the nursery. The clothes were smooth, much more so than I should have expected to have seen them after a person had been taken from it. I said, "Do you mean to say that this was where it was?" She said, "Yes;" the clothes were turned back, and there was the sign where the little fellow's head had laid, and his loins a little lower. I asked her if she had lost anything out of the nursery besides the child? She said there was a blanket taken or drawn from the cot, either one or the other, but not anything else was missing. I and Urch then went downstairs and searched. We went into the drawing-room and examined the outside to see

if there were any marks of violence, or whether there were the tracks of anyone on the lawn outside. We could not discover any marks of violence on the window or any footmarks, either on the lawn or in the back garden which we examined. We went to the cellar and found it was locked. I left Urch there to watch while I went to search the other part of the premises. I then met Bengon coming across the court with the child in his arms.

Cross-examined: Mr. Kent might have found a constable nearer than Trowbridge; at Southwick. I did not see him return. I did not see Mrs. Kent. I saw some other member of the family in the hall. I have been examined by the coroner and before the magistrates; but not when Miss Constance was charged—also by Mr. Slack, who examined me about an hour and a half.

Alfred Urch said: I am one of the county constabulary of Somersetshire, stationed at Road, which is partly in the county of Wilts, and partly in Somersetshire. On Saturday morning, the 30th June, I was applied to by Master William Kent to go to Mr. Kent's premises. I had been on duty and passed there at ten minutes before 1 o'clock. I went towards Mr. Kent's premises when I was spoken to by Master Kent, and met Mr. Kent going up the hill towards Trowbridge. I afterwards went to the house in company with Morgan, and saw the nurse. I asked her what time she missed the child. She said 5 o'clock, but that she did not make any inquiries until 7. I asked her why she had not made inquiries before. She said she thought Mrs. Kent had heard the child cry, and had come and taken it away. I asked her if she had ever taken the child away before. She said not in her time, but that she had heard she had when the other nurse was there. We asked her whether there was anything else missing besides the child. She said nothing but a small blanket, which was between the sheet and the quilt, which might have been drawn out without moving the sheet or the quilt. When we went down stairs I found that I could not make any impression on the grass with my feet. I tried to do so, but could not.

By the Chairman: There was no dew upon the grass.

By Mr. Saunders: I went to the house the next night in company with P.C. Heritage, by direction of Mr. Foley. We were both placed in the kitchen. We found ourselves locked in.

Cross-examined by Mr. Ribton: We don't know what time the door was locked; we found it was locked at 2 o'clock. We were told to place ourselves under the direction of Mr. Kent, and he took us into the kitchen. We did not go to sleep; we had some beer. Heritage knocked at the door for about twenty minutes. I sat down in the arm chair. When he was knocking I told him he was making enough noise to rouse the whole house. He said he was locked in and must get out. When Mr. Kent came, he said he did not know that we were to be locked in in that kind of way. When Heritage left I was in the kitchen. Mr. Kent came and looked in twice, but he did not speak. I did not have any more beer. What we had before we did not drink. I left it on the table. I am not aware that the door was locked upon me. I remained in the kitchen till a quarter to 6. Mr. Kent came and let me out, observing that the servants would be about, and I had better leave. I then left. Neither of us were of much use that night.

Mr. Ribton: I suppose you could have no objection to spend a few more nights the same way. (Laughter.)

Wm. Nutt said: I am a shoemaker residing at Road and am clerk at the district church of Christ Church; I have been so 17 years, am a married man, and have living a family of five children. I

heard that the child was missing about 8 o'clock on the morning of Saturday, and determined to assist in the search; I and Bengon went through the lawn on the left hand side. We afterwards came back direct to the closet. The first thing that attracted our attention was a pool of blood upon the floor. Bengon rose the lid, and seeing something there, directed me to go for a candle; I got one and went back to the privy. Bengon said, "It is here;" he drew a blanket up through the hole of the seat and placed it on the lid; then he put his hand in again and brought up the body of a child. I observed it had a cut in the neck; the head was cut nearly off, and it fell back towards the hole of the seat. I spread the blanket and he laid the body on it. We covered it up with the blanket and took it to the kitchen, and laid it on the table. I saw the nurse there. I made the remark, that she must have slept very sound to have allowed any one to have taken the child from the room, without her knowledge. She answered me rather sharply, and said I knew nothing of the matter.

By Mr. Ribton: I proposed myself that we should go to the water-closet; we went straight to it after the search in the lawn. I did not predict that we should find it there; I said if the child was taken from the house, it must have been for some unfair play. I refused to go and search at first. I am one of those who don't like to trespass upon any one's premises if I know it. I said if it was not alive in the house it must have been taken away for some foul purpose. I did not on a former occasion deny my own signature; I said I believed it was mine. When we found the child I said it was as I predicted. I was not desired by any one to search excepting Bengon. I stated to Mr. Slack that the nurse had answered me harshly. I did not state it before. I was twice before examined on oath; but I did not mention it on either of these occasions. I was under examination by Mr. Slack for about three quarters of an hour. I told him of the harsh expression used after my examination was closed, as I was sitting in the chair.

Re-examined: I went to bed about 10 o'clock on Friday night; that is my usual time. I got up between 6 and 7 o'clock next morning.

Thomas Bengon said: I am a farmer residing at Road. On Saturday, the 30th June, I was in the street at Road, and heard from Mr. Kent's lad, who was running, that something was the matter at Road-hill House. I heard from Urch that the child was missing. I saw Mr. Kent, and I and Knutt went and searched the premises for the child. After searching the lawn, I met Knutt at the closet. Mr. Kent said he would not begrudge £10 if the child could be found. The blood that we saw on the floor of the water-closet was about the size of the palm of my hand, and of a dark colour. I saw a blanket in the privy. We could not see the child until we had removed the blanket. I put down my arm and took up the blanket, which I placed upon the floor; I then took out the child and placed it upon the blanket; the child was a little dark round the mouth and



eyes; its eyes were shut, and it looked quite pleasant. There was a good drop of blood on the blanket.

Cross-examined: It was Knutt's suggestion that we should go to the closet. Ho did not predict that we should find a dead child.

Mr. Ribton: Do you know what a prediction is?—Witness: No, I don't; I have been to work ever since I was seven years old. (Laughter.)

By Mr. Saunders: I assisted in emptying the closet; there was very little blood, not sufficient to discolour the water.

John Foley said: I am superintendent of the Wiltshire constabulary stationed at this place. I know Mr. Kent's house. I was applied to by Mr. Kent on Saturday morning, with regard to the loss of the boy. I went to the house; before I got there the child had been found. I inquired for the nurse. The drawing-room was shown to me. I saw the nurse, and had a conversation with her in the nursery. I made inquiries respecting the loss of the child; it was between 9 and 10 o'clock in the morning; I asked her where the child was taken from; she pointed out the cot, and showed me how the bed-clothes were left after the child was taken away; they were folded back on to the feet. She told me that the child was covered with a sheet, blanket, and quilt. She said that when the child was covered up she tucked the sheet and quilt under the bed on both sides; the following morning she said she found that the child was missing, and that the sheet and quilt were turned back on the feet; that she did not miss the blanket until the child was brought in wrapped up in it; the blanket is much smaller than the sheet and quilt, and could not be seen. She told me where she herself slept, which was in another part of the room with a cot drawn up by her side for another child; she told me that she woke about 5 o'clock and found that the child was gone; but, thinking that it had been taken away by the mother, she laid down again, and did not wake until between 6 and 7, when she went to Mrs. Kent's apartment. I examined the knives without any result, as they had been all cleaned. I examined the privy and found upon the surface of the soil a piece of flannel.

Mr. Ribton submitted whether the flannel had anything to do with the case. He contended that there was no proof when it was thrown down the closet; it might have been there for a month; and there was nothing to connect it with the body found.

The Chairman thought that, as it had been found in the water-closet, it might be connected with the facts of the case. The objection of the learned counsel was rather against the weight of such evidence than to its non-reception. A great deal, therefore, might be said about the weight of such evidence, but he was quite clear as to its admissibility. It was, moreover, found upon the surface of the soil.

Witness continued: The flannel was a piece of chest flannel; there was blood upon it; the principal part of it was in the centre, as if the blood had dropped upon it. Below the top seat was a splash-board; the body could not go below it for want of room. I got the flannel up with a crook; there was room for the crook to pass down; there was no soil on the piece of flannel; it appeared to have been very recently there; the blood seemed to have dropped so gently upon the flannel as if each drop congealed; I have the piece of flannel, but it has been washed since, because it was so offensive. I heard the prisoner say the same day more than once that she did not miss the blanket until she saw it wrapped round the child. By my directions, Mrs. Dallimore, the wife of a police-officer, went to Mr. Kent's house to make inquiries of the female inmates with regard to the flannel.

Cross-examined: I was not examined by the coroner or before the magistrates; I was examined by Mr. Slaek. The prisoner evinced every desire on the morning of the murder to tell me all she knew; I don't know that she told a constable that she missed a blanket before the child was brought back. The blanket was much narrower and shorter than the quilt and sheet, and might have been drawn out without disturbing the other things. Mr. Kent told me that he did not know that any blanket was taken with the child; he said so in the presence of Mr. Wolfe; I put it to him myself twice; I asked him if he was aware that any blanket had been taken away with the child before he left for Trowbridge; he said certainly not. I have heard that he stated that he knew the blanket was missing before he left for Trowbridge; but that does not alter my conviction as to the correctness of my evidence. I know when the prisoner left Mr. Kent's; it was about the 27th of August; during that time she gave me every information that she could, and I always found it substantially the same. When the prisoner arrived at her destination she sent me a letter announcing her safe arrival, and stating that at any time she was wanted she would come, if I would drop her a line; also that she would let me know if she made any change in her residence; she gave me her address. The warrant was issued in the name of Captain Meredith; it was executed by Mr. Wolfe. I sent the two policemen to the house of Mr. Kent. I did not understand that they were to be locked up; there would have been no use in sending them if they were to be locked up; they nearly got their discharge for allowing themselves to be locked up. It was arranged with Mr. Kent that the men should be at the house, and he would sit up in the library; they had only the kitchen range. I have not the slightest idea what was Mr. Kent's reason; while the men were locked up anything might have been done in other parts of the house.

By Mr. Saunders: The information she gave me, or anybody else, was not of the slightest use to me. Before she left on the 27th of August, had you any conversation with her?—Yes, I had in my room. We were talking about the murder, and she said she was sure it was not Miss Constance. I said if you are so sure it was not Miss Constance can you tell me who it was? She said, No. I said, it must have been committed by somebody in the house; was it Mr. Kent? She said no, it must have been some one concealed in the house. I said that won't do, nurse; I can't believe that for a moment.

Henry Noler, a sweep in the employ of James Mitten, of Trowbridge, said: About 5 o'clock in the morning of Saturday, June 30th, he swept the kitchen chimney, a hotplate flue, and the chimney of the nursery. He had not been in the house since.

Mr. Saunders submitted that as the case could not be concluded to-day, whether it would not be better to adjourn at once.

Mr. Ribton objected to an adjournment so early, and said that he thought the bench ought to call upon Mr. Saunders to state what additional evidence he had to offer, because hitherto there had been nothing to affect the prisoner, and though he might have a great many facts to detail with regard to this melancholy case, their only tendency might be to exculpate other members of the household without convicting the prisoner, who he concluded the bench ought to discharge.

Mr. Saunders protested against these interlocutory speeches on the part of his learned friend, and the bench ruled that in a case of this important nature they must proceed step by step in order to elicit the facts.

Mr. Superintendent Wolfe, of Devizes, said: On the 2nd of July I was at Road-hill House, and went over nearly the whole of it for the purpose of seeing whether there was any place where a person might secrete himself. Mr. Kent was with me; I asked him if he had any spare rooms where a person might have concealed himself. He took me to the first floor, and said, "Here is one room." I found that it was an ordinarily furnished room without any hiding place at all; I said, "No one would hide here, for they would not know but what some one of the family might come in." He then took me to another room called a lumber-room, in which were some child's playthings. I said that no one would hide there, for they would expect that the children would be coming in for their toys; the only room that would afford concealment was beneath the roof, but it was difficult of access, though it had a window door entering from the roof; but there was no indications of any person having been there; there were no footmarks; it is no room, but a space beneath the roof with the rafters above; the watertank is there. I went to the house on the 1st of August with Captain Meredith, who put several questions to the nurse; she said it was almost half-past 10 or five minutes to 11 o'clock when she last saw Mrs. Kent on Friday evening; she was speaking about the comet, and remarked at the same time how nicely Saville was sleeping; she also said, "The first time I missed the blanket was after the child was found. I looked at the crib, when I went upstairs to do Mrs. Kent's hair."

By Mr. Ribton: There was no caution given to her or any of the servants; we were merely trying to elicit information from the inmates.

Witness continued: The nurse frequently repeated to me that this was the first time she missed the blanket; she also told me, that on going to bed she did not think he was sleeping nicely; and she turned him round, tucked him in, and kissed him; she then went to her own bed. Some few days after the murder she took me to the cot, and pointed out how she tucked him over-night to make him comfortable; she then went on to describe how she found the clothes on the morning of the murder; she folded it very neatly about three parts back towards the feet.

By the Chairman: There was considerable dust in the room beneath the roof; if a person had been there lately I must have seen it, as there was a great deal of mortar and other debris about.

Mr. Wolfe here introduced a model of the cot, and explained the position of the child on the night of the murder, and the way in which the clothes were placed back as described by the nurse. He also stated that the nurse told him she awoke at five o'clock in the morning, and by getting up upon her knees she found the child was gone. He tried the experiment: Mr. Dunn placed a shawl on the cot, and he (witness) knelt on his knees and found that he could not see it; the sides of the cot were of thick cane.

By the Chairman: I could not look through the cane, because I was looking at it at an angle, so that the sides appeared solid; I could not see the garment either over the cot or through the sides.

By Mr. Ribton: I don't say that she could not have seen the child if she had stood up in the bed. I knelt up in the ordinary way. When Mr. Slack came into the field all the inmates of the house were examined by him. The nurse never manifested any indisposition to answer the questions I put to her. I have questioned her several times; the last time was on the 17th of August. She told me that if she knew about the murder she should only be too glad to tell it, for was it to be supposed that she should have kept it for six weeks? On the 7th August she said, "I know nothing about it; who came into my room, or who went out that night, I cannot say. I did believe, and do now, that some one was secreted in the house that night, or that they got in; for how often do we hear of people secreting themselves in a house to commit robberies." She also said that the night-light was burnt out in the ordinary way; that it did not burn more than five or six hours; that it was lit at eleven and was quite out at five, when she awoke; also, that, if she had known anything about it, she should have told Mr. Foley on Saturday, adding, "What advantage could it be to me to keep back anything?" All these statements are correct, and were taken down in writing at the time by me. This is the first time I have been examined on oath. I have taken statements from the other domestics, and Mr. Kent, but not from the young ladies. Mr. Dunn was never present when these questions were put. There were chairs, sofas, and tables in the room Mr. Kent pointed out to me as a spare room. I should think it a thousand chances to one that a person could have been under the sofa in that room without being seen by daytime. I will not swear that there was not a cupboard in that room. I think Mr. Kent did not show me any unoccupied bedroom. I did not see any press in the lumber-room. I think I can swear there was not one there. I will not swear there was not one there. It was some few days after the murder that the position of the clothes in the cot was shown to me. This is the first time I have been examined on oath. I apprehended the prisoner. She was sent for, and brought to me at her father's house.

Recalled: The prisoner, in showing me how the clothes were left, said, "It must have been done by a female hand, it was done so neatly." She said, on the 7th of August, "Mr. Kent never alluded to the matter to me, since it occurred, from first to last; the young ladies have, and Miss Constance; so has Master William, who has repeatedly cried over it."

By the Chairman: My object in taking these statements was not to get evidence against the prisoner, but to elicit information.

By Mr. Ribton: I heard Mr. Kent tell Mr. Foley that he was not aware that the blanket was missing until he came from Trowbridge. The court then adjourned till the next day.



## WEDNESDAY.

The inquiry was resumed this morning at eleven o'clock, the magistrates present being Sir John Awdry (chairman), H. G. G. Ludlow, Esq., Rev. R. Crawley, W. Stancomb, Esq., and J. P. Stancomb, Esq. A larger number of ladies were present than on either of the preceding days, and accommodation was provided for most of them on the bench. The same professional gentlemen were present as on the two previous days, with the exception that Mr. Dunn was absent. The prisoner, when placed in the dock, had a more anxious appearance, and appeared to be much paler than on either of the preceding days.

The first witness called was William Saville Kent, son of Mr. Kent, who said: I am 15 years of age. I have now come from school in Gloucestershire. On the 29th June last I was at home for the holidays. The boy who was murdered was my younger brother. I last saw him on that day about 7 o'clock. I went to bed about half-past 10, and went to sleep very soon afterwards. I slept by myself in a room on the second floor. I slept in the same room on the Saturday night. I did not hear anything after going to bed. I woke up about 7 o'clock, and did not wake up in the course of the night. Soon after I got up I heard my little brother was missing; I searched for him, and went to fetch Urch, the police officer. Afterwards I went to Beckington, two miles from Road, for Mr. Parsons, the medical adviser of the family, and returned home with him.

Cross-examined: The little boy was my half-brother. My mother is dead.

Daniel Oliver: I am a jobbing carpenter, and I live at Beckington. I occasionally worked in that capacity at Road-hill House. I worked there on Friday, the 29th of June, and left at a quarter past 7 with Holkham. When we left, Mr. Kent locked the garden gate leading to the stable yard. About twenty minutes past 6 on the following morning I went there again. I saw the boy Allaway as I entered the yard, and afterwards Holkham. About half-past 7 I heard of the little boy being missing. I assisted in searching the premises. I saw two men at the gate, with the little boy in a blanket. The child was taken into the house, and I followed in. I saw the nurse in the kitchen. I asked her what time she had seen the child last, and she said, "About 11 o'clock last night." She said she missed it about 5 that morning; and when I asked her what she did, she said she went to sleep again, because she thought Mrs. Kent had heard the child cry and had taken it away. I asked if Mrs. Kent was in the habit of taking the child, and she said, "No."

Cross-examined: The dog was kept chained up in the stable yard; but I cannot say where he is at night, as I never was there. If shut up in the yard he would be confined to the yard.

Mr. Ribton: Supposing any one to go from the drawing-room window to the water-closet, they could do so without being seen by the dog at all?—Witness: Yes, they could; but if the dog happened to be close to the gate he could have heard them. If he happened to be in that part of the yard where he generally was, he could not have heard anyone. I saw the boy Allaway, when I went in the morning, in the shoe-house, I think.

By the Chairman: A person going towards the privy from the drawing-room window would pass within three or four yards of the gate of the yard. A person going from the front door would also pass within the same distance of the yard gate. The prisoner came into the garden and spoke to Holkham and the boy before Mr. Kent went away. I also saw her speaking to a policeman. Mr. Kent came into the garden after the prisoner had gone. She was the first who came into the garden. I did not see Mr. Kent and the prisoner in the garden together at all that morning.

John Allaway: I am a day labourer, and I live at Beckington. In June last I was an assistant gardener at Mr. Kent's house, and did odd jobs, cleaned the knives and forks, and so on. I did not sleep there, nor did I take my meals there. I used to go in the morning at 6 o'clock, and leave at night at whatever time I could. I was there on Friday, the 29th of June. I left about 7 o'clock with Holkham, who locked the garden door. I went home, and on Saturday morning I went again at 6 o'clock, and saw Holkham, the gardener. I went to the stable and asked Holkham what I had better do, and he sent me to the greenhouse. After I had done my work there I got the knife basket from its usual place on the bench. This was about half-past 6 o'clock. I carried the knife basket into the shoe-house, turned the knives out on the bench, and began to clean the boots. I did not miss any knife, nor did I notice blood or anything upon either of them. I did not count them, and whether they were all there I cannot tell. There were two carving knives. Holkham came and said he wanted me in the garden, and would clean the knives if I would clean the boots, and he did so.

Cross-examined: I have been examined twice before—once by Mr. Slack.

Re-examined: I imprinted some footmarks on the lawn outside the drawing-room window. Oliver saw them and said, "Some one has been here," when I explained that those were the footmarks I had made.

By Mr. Ribton: These marks were not on the way from the drawing-room window to the privy.

By the Chairman: Mr. Kent and Holkham had each a key to the garden door.

Mr. Joshua Parsons: I am a surgeon, practising at Beckington. Have frequently attended Mr. Kent's family during the last four years. On Saturday, the 30th June, I was called upon by Master Kent, to accompany him to his father's house; he told me what had occurred. I got to the house just before 9 o'clock, and was shown into the library or breakfast-room; afterwards I was shown into the landry, and found the body of the child wrapped in a blanket. The blanket was covered with stains of blood and old soil from the place where it had been taken—not from the child. There were considerable stains upon the blanket, but not any great quantity in the blanket itself. The child had a nightgown and flannel shirt on, which were very much soiled. I found a wound on the throat, which severed the whole of the structures down to the spine. The wound appeared to be made from the left to the right. It must have been made by a very sharp instrument. It appeared to be one cut. I am unable to say from that wound whether it was inflicted with a pointed knife. A considerable quantity of blood had flown from the left angle of the wound, down to the elbow. The tongue—which protruded—and the lips were of a very dark colour and livid. That was all the

examination I made at that time. At a second examination I made, before receiving the order from the coroner, I found two small incisions, one on the first joint of the forefinger, and the other—I cannot exactly remember where, but it was in a line with it. I afterwards found a stab in the left side; it had been made through the clothes, and penetrated through the shirt and flannel; it had penetrated more than half through the chest, and had passed through the pericardium, wounding the diaphragm of the stomach; the wound was about an inch and a-half in breadth. Those were all the marks of violence I observed. At the request of the coroner, I afterwards made a *post mortem* examination with Mr. Stapleton, of Trowbridge. In the stomach I found very slight remains of farinaceous matter, I suppose from the previous night's supper. As far as I could, by smelling the contents of the stomach, I ascertained that no laudanum or other narcotic drug had been administered. I understood a pill had been administered on the night before, but I saw no trace of it. It had probably passed into the bowels. It was an aperient pill, and was prepared by myself. I should not expect it to operate under six hours, and very probably it might take eight or ten hours. The dark appearance of the mouth appeared to indicate that there had been strong pressure upon it—pressure for a considerable time, and with a soft substance. The time might have been from five to ten minutes. The cut in the throat divided all the arteries—two large ones. At the time it was my impression the throat was cut in the place where the body was found, because I saw no jets of blood. If the heart was beating when the throat was cut the blood would spirt from the arteries. It has since occurred to me that probably circulation was stopped by pressure on the mouth before the cut was made. In that case life would have been almost extinguished before the throat was cut—it might not quite—the heart might have beaten a few moments before death. As regards the stab in the side, I have no doubt it was done after death. I am of this opinion because there was no retraction of the parts such as would have occurred, and no flow of blood. The wound would have required great force to inflict it. The wounds on the hand were very trifling, and, in my opinion, were inflicted after death. When I saw the child I thought it must have been dead five or six hours at the least, and I saw it at 9 o'clock. After I had seen the body—between 9 and 10 o'clock—I was shown into the nursery by one of the ladies, and saw the cot in which the boy was said to have slept. The bed was covered up by the sheet and counterpane, which were perfectly smooth, and the sheet was turned down on the counterpane in the usual way when a bed is neatly made. The nurse was in the room, and she told me she had found the clothes in the position I have described.

Cross-examined: My own impression is that the child was first suffocated by pressure on the mouth, and that then the throat was cut. I cannot say positively that the wounds had nothing to do with the death of the child, for I cannot say that it was quite dead when the wound in the throat was inflicted. The other wound, I believe, had nothing to do with the death of the child. Suffocation might have been carried to the extent of stopping the heart's action, but not beyond a period at which the child might have been resuscitated. My first impression was not that it had been suffocated, but I have thought of it since and have come to a different conclusion. The pill was mixed up by myself and sent by a messenger. I might have sent out other medicine at the same time. I found no trace of a narcotic, and I found no traces of my own pill. If a narcotic had been administered it would not, possibly, have left any traces; it would most likely have been absorbed into the system. If the aperient pill had been administered and passed from the stomach into the lower bowels it would not necessarily have operated. I feel certain that the appearances about the mouth would not have been produced by a narcotic that might have been administered by mistake.

By the Chairman: That there was pressure I have no doubt, but whether that was the cause of death I cannot speak positively. I am certain the pressure could not have been caused by the bed-clothes being simply over the mouth. I should say it was caused by considerable violence. The severance of the muscles of the throat might have caused the protrusion of the tongue.

At the conclusion of his examination the witness asked permission to make a statement, which, he said, might affect Mr. Kent.

Mr. Saunders said he was not disposed to encourage these extraneous statements.

The Chairman remarked that they were there not only to try the issue of the prisoner's guilt, but at the same time they were taking examinations with the view to inquire generally into the matter. He thought it better that the communication should be made to the gentlemen engaged in the case, and they would then exercise their discretion with regard to it.

After some discussion it was arranged that Mr. Parsons should make his communication in writing, and submit it to the chairman. This was done, and Mr. Parsons wrote a few lines upon a piece of paper, which was handed to the chairman, who in his turn passed it to Mr. Saunders and Mr. Ribton. These gentlemen, after perusing it, returned it to the chairman, who said it contained nothing on which it was necessary that further inquiries should be made.

Captain Meredith, chief constable of the Wiltshire County Constabulary, said: On the 1st of August I went with Mr. Wolfe to Road-hill House. I went into the nursery, and saw the nurse there. She showed me the cot in which the child was stated to have slept.

By the Chairman: At that time I was collecting materials for evidence generally, and not against her.

By Mr. Saunders: There was then no charge against her. She said she had on the previous night tucked in the sheet and counterpane, and left them in that state. She told me that in the morning she found the sheet and counterpane turned twice down. If a blanket had been drawn from between the sheet and counterpane, the clothes as I found them must have been arranged afterwards.

Cross-examined. I swore the information on which the warrant was issued. I did not do it at the suggestion of any one. I attended Mr. Slack's examinations at Mr. Kent's house. Mr. Kent's attorney was present, but there was no one there to watch the inquiry for the prisoner. Several questions were objected to by Mr. Kent's attorney, and they were not answered in my bearing. I questioned the prisoner as to where she had lived before, and, as far as I know, she answered



correctly. Inquiries have been made at those places, and it was found that her answers were perfectly correct.

The Chairman: I may as well here say, that one of the magistrates of this division, who knows more of the previous proceedings in this case than I do, says that everything they have heard about this young woman's antecedents is highly respectable.

By Mr. Saunders: The proceedings taken against Miss Constance Kent were not taken at my instance, nor by my advice.

Mary Amelia Kent, a little girl, five years of age, who slept with her parents on the night of the murder, was brought into court by her sister, Miss Elizabeth Kent, and Mr. Saunders stated that he knew not what she would be able to say; but he was desirous that she should be examined, especially as some obstacles were thrown in the way of her examination by Mr. Slack.

Mr. Edlin denied that any obstacles had been thrown in the way of the examination of the child, who was taken by Mr. Slack on his knee, and the questions asked by him not meeting with satisfactory replies—such as whether she was acquainted with the nature of an oath—the examination was not persisted in. As to the statement that obstacles had been thrown in the way of the examination of the child, he must give it a most positive denial.

The child was then interrogated, but she appeared to be greatly alarmed, and clung to her sister when any question was put to her; upon which

The Chairman interposed, and said he did not think it necessary to press the examination, as the child was not in the room where the murder was committed. However, if his brother magistrates thought it necessary he should not shrink from the responsibility of examining her, but otherwise he saw no reason why they should harass the child.

Mr. Slack said it was due, after what Mr. Edlin had said, that he should state the reason why the little girl was not thoroughly examined by him. Before commencing to question her, Mr. Kent's solicitor, Mr. Dunn, evinced a desire that he should not interrogate her; but he nevertheless wished to see if she knew the nature of an oath, and asked where she would go if she told an untruth, to which she replied, "I should go to hell." Upon that he (Mr. Slack) expressed a wish to further interrogate the child, but Mr. Dunn took upon himself thoroughly to refuse that she should be examined.

Mr. Edlin said he was sorry Mr. Dunn was not present, but he would be in court in course of the day, when he would, no doubt, give an explanation.

The examination of the child was not persisted in, but before her sister left the court she stated, in reply to Mr. Saunders, that on the Saturday night she slept with Mrs. Kent, in her bedroom; Mary Ann and Constance slept in the room above; the nurse, she believed, slept in the room with the two servants.

Sarah Kerslake was recalled, and said she slept in her own room on the Saturday night, and the housemaid and nurse also slept in the same room. The nursemaid did not come into the room until about half-an-hour after the witness and Cox did.

Miss Elizabeth Kent was again recalled, and asked if she knew whether, on the night in question, the nursemaid assisted to undress Mrs. Kent; to which she replied that she was not certain, but she believed she did.

The court then adjourned for refreshment, and on resuming,

P.C. Alfred Urch was recalled, and, in reply to Mr. Saunders, stated that on Saturday morning, when sent to Road-hill House he reached there at eight o'clock in the morning. He searched for footmarks in the drawing-room, but saw none.

Sarah Cox was also called, and said she had that morning tried the experiment of putting the shutters in the position which had been referred to, from the outside of the window, but did not succeed because of there being a rough wind.

Cross-examined: Yesterday I did so without any difficulty, but there was not a rough wind at that time.

Superintendent Wolfe said the witness had made the attempt a dozen times, and it was not the wind that had prevented her; but she said it was.

By Mr. Ribton: The prisoner was not present when I tried the experiment of trying to see into the cot while kneeling upon the bed.

Mrs. Kent was recalled, and, in answer to the chairman, said the nursery door had been left ajar by her orders. She ordered that it should be always left so in order that the nurse should hear in the case of the child, in the adjoining room, crying.

By Mr. Ribton: I think it is very likely the nurse assisted me to undress on the Saturday night after the murder. If she did, it must have been after the other servants had gone to bed.

Mrs. Dallimore, wife of P.C. Dallimore, of Trowbridge, said she went to Road-hill House on Saturday, the 30th of June, about four o'clock in the afternoon, to examine two female inmates. She went to the nursery and noticed that the door could not be opened without making a noise. It was a creaking noise, as if the lock was out of order. She examined the nurse in the nursery, but previously to doing so she asked if she could give any account of it, and the nurse then said she got up at 5 o'clock and missed the child from the cot. On being asked why she laid down again after missing the boy, the nurse said, "I thought he was with his mamma, as he generally goes in there in the morning." She also said, "This is done through jealousy; the little boy goes into his mamma's room and tells everything." Witness said, "No one would murder the child for doing such a thing as that." She asked, "Who would do such a thing for that?" and the nurse said, "I really cannot tell." Witness then examined the prisoner, and afterwards the other young ladies in the house. She examined the nightdresses of the young ladies, and amongst others that of Miss Constance, and found nothing about it leading to suspicion. It appeared to have been worn but a week. She afterwards went to the kitchen, and the nurse came there several times, and upon one occasion witness said to her, "This is a shocking thing, and the whole house is responsible." The nurse replied that the little boy had not been well, and she had administered a little medicine.

While in the kitchen, a man named Frederick came there, and the nurse asked him what he had been doing, and he said, "Opening the water-closet." The nurse then asked him if he had found anything, and he said "No," upon which the nurse remarked, "And you won't." On Monday, the 19th July, the prisoner was brought in a trap, by Superintendent Foley, to witness's house, where she was to remain for a little time. She had several conversations with the nurse about the child, and she said she thought some one must have secreted himself in the house. Witness asked, "How could they get in?" and prisoner said, "I don't know anything about it; I cannot say." During the week witness remarked, "The cot being folded down like that, I don't think anyone could have taken out the blanket." The prisoner said it was a small blanket, and that it had been drawn out underneath. Witness said she thought it impossible any one could have taken the child out and left the bed in that position, and that it was quite impossible for one person to do it. The nurse replied, "I don't know, but I did not touch the cot; that was as I found it." She then asked the nurse what she thought about Miss Constance Kent, and she said that she could not do it, and that as to Master William he was more fit to be a girl than a boy. The nurse told her that on the night of the murder she slept more soundly than usual, and on being asked how it was she did not hear any one coming into the room, she said they might have done something to her nose which caused her to sleep. Witness asked if she thought Mr. Kent did it, and she replied that she did not think for one moment that he had, as he was too fond of his children.

Superintendent Foley here produced the chest flannel which had been found in the water-closet where the child was discovered.

Mrs. Dallimore said the flannel produced did not appear to have been originally made for a chest flannel, but looked more like a portion of an old garment converted into a chest protector. On the 9th August she went to Road-hill House, and tried the flannel upon each of the female servants, and before trying it on the prisoner, the latter remarked, "It does not matter if it does fit me; that is no reason why I should have committed the murder; it might fit many persons." Upon this witness said, "Yes, that's true; it fits me, and no doubt would fit many other persons, but they were not in the house." The flannel fitted the nurse exactly. This morning witness went to Road-hill House, in company with Mr. Wolfe. She went to the nursery, and saw a cot and bed there. A child was put in the cot, and she knelt upon the bed, but upon looking across to see if she could see the child, she could see nothing except a small portion of the pillow. The blanket that was on the cot is a yard and a half in length and a yard in width, and would not admit of tucking in at the sides.

Cross-examined: I have not before mentioned these conversations except at Mr. Slack's examination. I took no notice of these conversations at the time. When examined before the magistrates I told them the flannel fitted the nursemaid. I did not try the flannel upon either of the Misses Kent. It might have fitted either of them, or it might fit twenty of the ladies here present. The nursemaid told me she had slept more soundly on that night because she had been up early with the sweeps in the morning, and had been engaged in scrubbing the room after them.

By the Chairman: When I examined the prisoner on the day after the murder I did not find that she wore a chest flannel, nor did either of the females in the house wear one.

Superintendent Wolfe, in answer to Mr. Saunders, said he went with Mrs. Dallimore to Road-hill House this morning, and had placed the clothes in the crib precisely as the nurse had described them to be on the 1st of August.

Mr. Clark, clerk to the magistrates of the Trowbridge division, at the request of Mr. Saunders, read the following extract from a statement recently made by the nursemaid, but which had not been taken on oath:—"I ran downstairs and out on the lawn. This was near about 8 o'clock. When I went out of the house Mr. Peacock said, the policeman and others were there. Soon after this the body of the deceased was brought in. The blanket was on the child. I then ran upstairs, and looking at his cot, saw that the blanket was gone." This examination was taken on the 9th of July.

Mr. Ribton requested that the whole of the statement should be read, which was done.

In reply to questions put by Mr. Ribton, Mr. Clark said this statement was made at an inquiry instituted by the magistrates. Mr. Kent made a statement at the same time.

Mr. Kent was recalled and examined upon the statement he had made before the magistrates; he said that upon that occasion he said, "I believe some one well acquainted with the child in the house, or some discharged servant, must have murdered the child." Annie Paul, the housemaid, had recently been discharged.

Mr. Ribton: Do you know that any discharged servant had made use of any expression of revenge against your children?—Witness: Yes. One of them had said my children were horrid children. She left in a dreadful rage, vowing revenge against myself and my children, and I was very warm myself, but not so much so as the girl, who was excessively insolent. This was before Cox came, about nine months ago.

Mr. Clark also read another statement made by the prisoner on the 27th of July, before the magistrates at Road. This statement was made on oath, on the occasion of the charge being made against Constance Kent.

This concluded the case on the part of the prosecution.

Mr. Ribton said he should have to address the court at some length, and as he wished to have some preparation, he hoped the court would adjourn until the following day.

The magistrates, after a brief consultation, acceded to the application, and adjourned at half-past 5 o'clock.

#### THURSDAY.

The proceedings were resumed this morning at 11 o'clock. The prisoner continued to maintain a calm, composed demeanour, attending, as before, very closely, and passing numerous written suggestions to her solicitor.



Mrs. Dallimore having been recalled, said: On the 9th of July the prisoner was at my house: she was sitting down at the fire, and said, "Mrs. Dallimore, do you know that a nightgown is missing?"

By the Chairman: She was at the time under my superintendence and care. I did not in any way hinder her going anywhere.

By Mr. Saunders: In reply to her question I said, "Is there one missing, nurse?" She replied, "Yes," I said, "Whose is it?" and she said, "Miss Constance's."

By the Chairman: This was before she went to Road to be examined.

By Mr. Saunders: She added, "You may depend upon it that nightgown will lead to the discovery of the murderer." I said, "What do you think about Miss Constance doing the murder?" She said, "I cannot say anything about that; but I saw the nightgown put into the basket."

Cross-examined by Mr. Ribton: I remembered this that night, but I was not asked the question; I told Mr. Slack of it when I was examined; it was on the Tuesday after she was in custody that she told me about the nightgown being missed; my husband heard the nurse say it as well as myself. It was said in the evening as she was going to bed; she had not been in the house very long. My husband was just come from Road. Nurse told me before he came in that the nightgown was missing; he heard the nurse talking about the nightgown; he said, "You have contradicted yourself; for you have said just now that you saw the nightgown put into the basket." I can't tell the first word my husband said when he came in. The nurse was talking about the nightgown being missing, and my husband said as he came in, "Then you saw the nightgown put into the basket, nurse, as well as Cox?" She said, "I have nothing to say about that; I have enough of my own to contend with." I did not say it before, because I was not asked. My husband then said, "Why you have just said that you saw the nightgown put into the basket." She made no answer to that remark, and went to bed. That was all that passed in my husband's presence. This took place in the kitchen. I said yesterday that some one came into the kitchen who had been searching the water-closet and said they had found nothing, and the nurse said, "Then you won't," the man's name is Fricker. I will swear that only one man came in, and not two. There were a great many people in the kitchen. I did not hear the man asked if they had finished their work. Mr. Grocer (a reporter) was not there; I did not see him. They did not, in answer to the question, say "No, we have got all out, with the exception of five or six inches of water." I never then asked if they had found anything; they did not say, "No; we have felt carefully all over the bottom and found nothing." It was not at that moment that the nurse came in. She was in the kitchen before. Gough did not then say, "You won't find anything now." Her answer was, "You won't." These questions and answers were not put in my hearing. I knew nothing of the family of Mr. Kent until after the murder. Two men might have come into the kitchen without my seeing them. I saw part of the body of Fricker as he came to the door. I saw his face and part of his coat. I did not tell you that I did not see his face; I said I saw part of his body."

Question: Then it is a positive untruth that you did not see his face?—Answer: No, it is not; there were several in the kitchen.

Re-examined: As I was sitting at the fireplace I just got a glance of some one, and the nurse mentioned the name of Fricker. From hearing his name only I concluded there was only one.

P. C. Dallimore, the husband of the last witness, said: I am one of the Wilts constabulary. On the 9th July the prisoner was at my house.

By the Chairman: Was she under restraint?—Witness: No.

By the Chairman: Had you any orders to keep her in custody?—Witness: No; she remained with me as a matter of convenience.

By Mr. Saunders: I was on duty on the 9th July, and returned home in the evening. My wife and Elizabeth Gough were present. When I got in they were talking about Miss Constance Kent's nightdress being lost.

By the Chairman: I heard them talking about it.

Witness resumed: I heard the nurse say, "The nightdress was missing—was lost; and she thought it must have been lost at the wash." My wife said, "Did you see the nightdress put into the basket?" She said, "Yes." I stopped a few moments, and said, "Nurse, you saw the nightdress put in as well as Cox." She said, "Oh no, I did not." I said, "You have just said so." She said, "Oh no, I did not." I repeated the question, and she said again, "Oh no, I did not." I had occasion to go out, and then left. I am quite clear that she at first said that she saw the nightdress put into the basket.

Cross-examined: I remained in the kitchen a quarter of an hour: it may be nearly half an hour. There was no other conversation.

Mr. Ribton: I suppose you did not have a Quaker's meeting? You say you were in the kitchen half an hour; and was nothing said?—Witness: I cannot remember anything that was said.

Witness resumed: When I left I went to the stable; on my return my wife and the nurse were preparing for bed; they had two candles; one of them was for me. The nurse slept with my wife; they went to bed in a few minutes afterwards. I went out on duty, and came back about 1 o'clock; I then went to bed. I was not at home when the two men who had searched the water closet came in; I will swear that I was not there.

Mr. Ribton: What made your wife sleep with the prisoner? Was it to prevent her running away?—Witness: She was under my wife's care.

Mr. Ribton: Was that the reason why she slept with her?—Witness: Yes, sir; I understood she was at my house for safe keeping, but that she was not in custody.

The Chairman intimated that he understood for Mr. Ludlow that the fact was the nurse was in actual custody upon one occasion when she was at Dallimore's house, and that upon the second occasion she returned there at her own desire and at the request of her father. He (the Chairman) said that before Mr. Ribton proceeded with his address he should be glad to know what application was made as to commitment on the part of the prosecution.

Mr. Saunders apprehended it was for the bench to determine whether any case had been established, and to say upon what charge the prisoner should be committed.

The Chairman was quite aware that the charge on which a prisoner was committed was in the direction of the court; but, at the same time, looking at the grave consequences of a committal to a young person whose previous antecedents were known to be respectable, he asked whether it was intended to charge the prisoner as principal, accomplice, or accessory after the fact?

Mr. Saunders was not instructed to make any special application as to the form of commitment supposing the magistrates to come to the conclusion that such a step should be taken.

#### MR. RIBTON'S DEFENCE.

Mr. Ribton then proceeded to address the magistrates for the prisoner. He could not, he said, enter upon a discussion of the facts which had been proved in evidence without returning his thanks to the bench for the great kindness and courtesy he had experienced during the course of this investigation, for the untiring patience with which their minds had been directed to the various statements which had been laid before them, and for the spirit of fairness and impartiality which had characterised their conduct at every stage of the inquiry. He entertained the most perfect confidence that the same spirit and love of justice which had animated the bench heretofore would prevail with them to the end, and that when they came to consider what their decision ought to be, acting as they did in the face of the country, they would take care that it was such a decision as would be conformable to truth, and in strict accordance with the principles of justice. Mr. Saunders had said in his opening speech that the tragedy enacted at Road had sent a thrill of horror through every home in the country. Unquestionably, this dreadful crime, if wilful crime it was, stood out alone in the annals of atrocity. To murder a poor innocent, unoffending, and unprotected child under such circumstances was indeed a crime which it would be impossible to describe in fitting language. It was a crime which might be said to

“——— blur the eye of day,

And cast a deeper shade upon the dusky brow of night.”

But he was afraid that one fact was painfully prominent in this protracted inquiry, viz., that they were not now any nearer the truth than they were immediately after the perpetration of the dreadful act at Road. The exertions of the prosecutors—conducted in a manner to which he would presently allude—had, unfortunately for the public, unfortunately for the interests of truth, been turned to a wrong channel. That bench, however, had now to consider by what fiend in human shape the frightful deed was perpetrated. The question before them was, had any evidence been adduced which would warrant them in sending the accused for trial? He would at the outset direct their attention to one or two points which, though discussed by Mr. Saunders in his opening speech, had really no immediate bearing upon the present case. The first had reference to the time at which the murder was committed. He submitted that whether it was committed early in the night or towards the approach of morning had nothing to do with the prisoner at the bar. The question of time could no more affect her than it could any other person who might be charged with the crime. So with respect to the wound inflicted after death. Whether it was inflicted after death, or whether the child was still alive and breathing, had nothing to do with the prisoner. It was a speculation foreign to the present inquiry. Mr. Saunders had made a great deal of the Newfoundland dog, and of the fact that it was not heard barking on the night of the murder. It appeared, however, that that circumstance was of no importance whatever as regarded either the prisoner or anybody else, whether the inmate of the house or a stranger; because the evidence had proved beyond question that the dog was enclosed in a yard, and that any person might have passed from the drawing-room window, or even from the front door to the water-closet, if the drawing-room window were a “blind,” without being seen by the dog at all. Mr. Saunders had indulged in various ingenious speculations. He had said, in the first place, that nobody could have broken into the house. That was the only part of the case with respect to which there was anything approximating to satisfactory proof. But Mr. Saunders had also dwelt upon the impossibility, if not the absolute impossibility, of anybody having been secreted in the house. In the attempt to prove that proposition he had entirely failed. There were unoccupied rooms in the house, and in the unoccupied bedrooms, especially, anybody might have been secreted during the whole of the day on which the murder was committed. It was a curious fact that Superintendent Wolfe, when he examined the house, was not shown into any of the unoccupied bedrooms. He was shown into the lumber-room and another room, and he had told the court that he did not think anybody could be concealed in either; but so careless was the manner in which he took his observations of these rooms that he was unable to say whether in one or the other there was a cupboard or not. His evidence might be passed over as utterly valueless, even if the rooms he examined were the only occupied apartments in the house; but it had proved beyond a doubt that there were unoccupied bedrooms, and that anybody might have been concealed in one of them without being seen by any of the inmates.

#### COULD THE DEED BE COMMITTED BY A STRANGER.

Such being the case, was it possible, was it not within the range of probability, that the murder was committed by a stranger? Mr. Kent had himself stated that a discharged servant left his house vowing vengeance upon the children. The matter with respect to that peculiar servant had been to some extent cleared up; but Mr. Kent held an office entailing upon him the discharge of duties which might have the effect of rendering him unpopular among many persons; and, at all events, the expressions used by the prisoner, “Oh, ma’am, it is revenge,” and “Oh, it is jealousy,” might have been, and no doubt were, suggested by the violent and threatening language attributed by Mr. Kent himself to at least one person. It might be said that nobody would have concealed himself or herself in the house and taken revenge on Mr. Kent by the murder of his child. But it did not necessarily follow that murder was contemplated in the first instance. Perhaps all that was intended was



to take away the child. That he was not indulging in an altogether improbable hypothesis was clear from the manner in which the child was moved. If murder had been contemplated from the first, why was the child wrapped up in a blanket? Anything, even the piece of flannel found in the water-closet, would have sufficed to put in the mouth to stifle a cry, so as to enable the person, whoever he or she might be, to remove the child without killing it; but the fact that the child was wrapped in a blanket seemed to warrant the supposition that if a stranger were secreted in the house—a supposition which was not excluded by the evidence—he might have intended simply to steal the child, and thus to wreak his vengeance upon Mr. Kent. Supposing that, when the child was removed from the house, it was found that the stifling process had been carried too far, how did the remaining facts accord with his speculation that the deed was done by a stranger? The throat was cut, a stab was given in the side, and the body was thrown down a water-closet. It was unquestionably put there for secrecy; but an inmate of the house must have known that, owing to the construction of the water-closet, the body could not pass the splash-board. Besides, if the murder had been committed by one of the inmates, some traces of blood must have been discovered; for, although the evidence of the surgeon went to show that the blood did not spurt out of the wounds, yet blood was found on the floor of the water-closet, and nobody could have handled the child without having his clothes in some degree stained with blood. But there was no evidence of anything of the sort. The crime, again, must have been perpetrated with some instrument. Mr. Saunders had, strangely enough, produced no one to tell the magistrates that all the knives were safe; but there was an entire absence, as far as stains of blood and instruments were concerned, of anything to connect anybody in the house with the murder. How did the culprit get away? It was a remarkable fact that it was stated by the prisoner, in some of the many conversations which she had with the other inmates, police-officers, and others, that she saw the marks of two feet upon the carpet in the drawing-room. Those marks were also observed by Mrs. Kent, who had described them as pointing in the direction of the window, and as having been made apparently by nailed shoes or boots. How came those footmarks there? It was idle to suppose that such boots or shoes—filled with nails—were worn by the prisoner; but had the prosecution made any inquiry with the view of discovering by whom the marks were made? If they had not, was it because they had not been actuated by a general desire to arrive at the truth, and because their exertions had been directed towards the attainment of one object, viz., to prove the guilt of one particular person? Footmarks were also found on the tall grass outside. The assistant gardener, Alloway, had explained that they were made by him the night before; but if a stranger was leaving the house after having cut the throat of the child in the water-closet, would not those marks of feet in the tall grass at once suggest to him a mode of taking his departure without leaving a trace behind? There must have been a heavy fall of dew on the night of the murder, for it was in the middle of summer, and yet as far as he knew no marks of dew were found on the boots or shoes of the inmates, if, indeed, they were examined. Mr. Saunders had stated in his opening speech that the drawing-room window could not have been put in the state in which it was found except by some person who returned into the house; but he had utterly failed to prove his assertion. The prosecutor had never thought it worth while to make the experiment. It had been left to Kerslake and Cox, the cook and housemaid, to make the experiment for themselves, which they did on the second morning of the present inquiry, when they found that it was perfectly easy from the outside to put the window in the condition in which it was discovered on the morning after the murder. He did not mean to assert that the crime was perpetrated by a stranger, but he had thought it his duty to show that the hypothesis of this being an accidental murder, the original intention going no further than the stealing of the child, and of its having been perpetrated by a stranger, and not by any of the inmates of the house, was not inconsistent with the facts which had been proved in evidence.

#### WAS MORE THAN ONE PERSON CONCERNED IN THE MURDER?

Another speculation in which Mr. Saunders had indulged was that the murder was done by more than one person. There was no reasonable proof of that. Surely it was possible for a strong and active man or woman to take a child of four years of age from a cot, and, having first stifled its cries, to take it away without being heard. Where is there the necessity for a second person? It has been proved, over and over again, that the nurse slept very soundly in consequence of her labours the day before, as she had stated, with the sweep. The sweep himself has proved that she paid him 4s. 6d. on the morning he was there, and she had been scrubbing the nursery on the Friday, not getting to bed till nearly 1 o'clock, and sleeping heavily, as she said from the beginning to the end—more soundly than usual on that night. What was to prevent anybody who might have been in the house, and who had known it before—anybody who had secreted himself in the morning or during the day—what was to prevent anybody, unaided and alone, without anyone to help or assist—a stranger stealing into this nursery, without disturbing the deep sleep of this wearied girl—what was to prevent anyone taking the child from its crib, going down, opening the door, and then opening the window in the way described (for the express purpose, perhaps, of creating an inference that it was not done by a stranger, but by somebody inside), and then, having done all this, what was to prevent that person carrying out the dreadful crime to its final consummation in the way described, without anybody assisting him? But Mr. Saunders, having laid down the proposition that the murder could not have been done by one person, had very illogically jumped to the conclusion that of the two persons engaged in the act the prisoner must have been one, whoever the other might have been.

#### THE ACCUSATION AGAINST CONSTANCE KENT.

The learned gentleman proceeded to direct attention to the facts of the case. He referred to the charge which had been made against Miss Constance Kent, and expressed his opinion that the ma-



gistrates wisely and justly discharged that young lady from custody, although the evidence against her was considerably stronger than that against the poor girl now at the bar. He said on the day immediately succeeding this fearful tragedy, the police of course were alive. Inquiries were set on foot, everybody in the house and out of it were examined, and the result of all this was, that not a suspicion attached to this poor girl whose ease he was pleading. Her statement was heard—a



FRONT VIEW OF THE HOUSE.

In order that our readers may be able fully to understand the position of the different rooms of Road Hill House, we append the plans and elevations of the interior of the house, also a view of the exterior. The former are reduced from the plans taken by the express desire of the magistrates, for reference on the last examination of Elizabeth Gough, and for the opportunity for copying which we are indebted to the kindness of the proprietor of the *Bath Express*, who received them as a mark of special favour from Mr. Slack, the solicitor conducting the prosecution. The latter is from a photograph by Mr. Warner, of Milsom-street. The correctness of which may be relied upon.

statement proved to be consistent throughout. Again and again it was told by her to many parties. Mrs. Kent was there, the doctor was there, Mr. Kent was there—they were all there—to contradict her if she had been guilty of anything inconsistent or untrue, and yet never for one moment was suspicion turned towards her. The result of all this was that one of Mr. Kent's daughters was sent before the magistrates. She was examined before the magistrates, who carefully heard and considered the case, and who most justly dismissed it.



## MR. SLACK'S INQUIRY.

The prosecution against Miss Constance Kent having failed, it was then that directions came down from the Home-office, that the Attorney-General was consulted, and that Mr. Slack imported into the case, and commenced those inquiries at Road and elsewhere, which would be reprobated and denounced by everybody capable of forming an opinion on the subject, as alike alien to the spirit of English law and subversive of every known principle of English justice. There was a time when accused parties were placed upon the rack, and subjected to every species of torture. There had been cases of persons tortured to death in order that some confession might be extorted from them. What was the difference between the investigation conducted by Mr. Slack and the inquiry of a Grand Inquisitor surrounded by his familiars, with the rack in the next room, except that instead of physical torture it was a species of mental torture which he applied to every witness called before him? How had the prisoner at the bar been treated? While Mr. Kent and his family had from first to last enjoyed the assistance of an attorney, who, during the examination conducted by Mr. Slack, not only put questions, but interposed to prevent other questions being put—and in one case objected to a member of the family being examined; while Mr. Slack had listened to the statements of every inmate of the house, collating and comparing them with one another, and drawing inferences from them simply and in combination—the poor girl at the bar was not examined at all. She was at home with her father; the police knew where to find her, but she was never called upon to give her account of the transaction. In her absence, by means of statements collected from other parties interrogated by Mr. Slack, the conclusion was finally reached that a warrant should be issued for her apprehension on the charge of murder. When it was known to the bench, as it now was, that the only evidence against her consisted of some contradictory statements made by the poor girl herself, he fearlessly asked whether it would not have been fairer and in more strict accordance with every rule of law, as well as every principle of justice, if Mr. Slack had examined her in the same way as the other servants, and given her the same opportunity of explaining what was now said to be inconsistent and contradictory in her testimony? It looked as if there were a preconceived determination to do something or other by means of which somebody not upon the spot should somehow or other be made a victim. The police had been baffled in one inquiry. Mr. Slack was called in. Public indignation was aroused by the thought that an atrocious crime could have been perpetrated and no clue discovered to the perpetrator. Was he wrong in supposing that an inquiry was instituted, not for the purpose of eliciting the truth, but for the purpose of collecting evidence against a particular person? He very much mistook the tribunal which he had the honour of addressing, if they would consent to allow themselves to be made the instruments of this terrible injustice. He believed they would tell the prosecutors that before they could ask them to commit the prisoner for trial, they must prove two things—first, that they had conducted the preliminary inquiry fairly; and, secondly, that there was really some substantial evidence against the accused. The present was no ordinary case. A committal would not only condemn his client to an unjust imprisonment, but would cast a stigma upon her for ever. Where were the facts which had been proved against her? There were only three points which had the slightest bearing upon the case, and they were as well known before they were put into the crucible of Mr. Slack and came out with a different stamp. These three points were the statements made by the prisoner about the blanket, the piece of flannel found underneath the body, and the kneeling up in the bed on the morning of the murder. As to the first point, the learned counsel contended that the alleged contradictions were known to the prosecution long before she left her situation at Road. But if this were not so, would the bench attach any great importance to any slight discrepancies in statements made by the prisoner or any other inmate of the house on that melancholy morning? Surely not. Why, had she never been asked to give an explanation of these discrepancies—if discrepancies they were—and why had not her explanation been allowed to find its way into that mysterious writing-case of Mr. Slack, which probably might contain the materials for some future charge against some other person?

## THE BLANKET.

It is said that the prisoner had made different statements about the blanket. She said to one or two constables that she missed a blanket, and when asked if she missed anything else, she said there was nothing else. That was before the body was found. To other constables she said she did not know the blanket had been taken till the body was found. This contradiction has been long known to the prosecution—before she left the house at all. It was very likely she must have missed the blanket before the child was found. It was extremely probable, that if she grasped at the bedclothes she must have missed the blanket. She said this to the constable. The body is undoubtedly found afterwards wrapped up in a blanket. After the body is found, she said she did not know the blanket was missing before the body was found. How are these statements reconcilable? Recollect the state of confusion, excitement, trouble and anxiety, tumult and apprehension, in the minds of everybody! Who had more reason to be alarmed than this girl, when she recollected that the child was under her care? And is it because, in the abstraction of that tribulation, she might utterly have forgotten all about missing the blanket before the body was found, and, having the fact directed to her attention that the body was found wrapped in the blanket, it might have occurred to her to say that that was the first time she had known anything about the blanket—is it because of that, that this contradiction is brought against her? Mr. Slack, too, had never given her any opportunity of explaining that inconsistency which she had been guilty of, like any other inmate of the house. Is it not within the range of probability that she might have given a satisfactory explanation?

## THE PIECE OF FLANNEL FOUND IN THE CLOSET.

With regard to the piece of flannel the learned counsel commented severely on the evidence of the woman Dallimore, who, he said, if she had not committed perjury, had shown such an indif-

ference to truth as to render her evidence utterly worthless. Yet this was the woman who was introduced at the close of the prosecution to strengthen the weak parts of the case. After the intimation which had fallen from the bench as to this piece of flannel, he would say very little more on this point, except to regret that a woman who had manifested such reckless indifference to the fate of this poor girl at the bar, and to the interests of justice, should have been called as a witness in the case. What did the conversations which this woman to-day had been called on to detail imply? Absolutely nothing indicating the prisoner's guilt. The witness was contradicted



THE GROUND FLOOR.

A, Entrance to the House; B, Library; C, Drawing Room; + the window found open next morning, and through which it was supposed the child might have been taken; D, Hall; E, Dining Room; F, Store Room; G, Pantry; H, Butler's Pantry; I, Laundry; J, Passages; K, Kitchen; L, Scullery; M, Larder; N, Yard; O, Coach-house; P, Yard; Q, Dog Kennel; R, Coach Yard, where the dog was let loose at night; S, Knife House; T, Yard Gates; U, Privy, where the body was found.

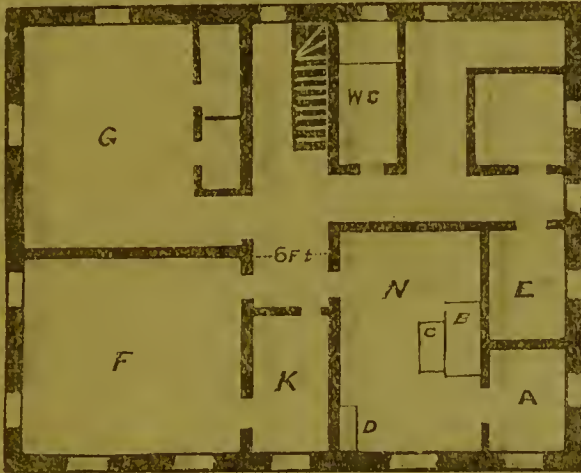
in the particulars she gave by her own husband, and her testimony was entirely unworthy of credence.

#### THE POSITION OF THE BED AND THE COT.

With regard to the third point, the statement of the prisoner as to her first missing the child from the cot by kneeling up in her bed, he would not believe that any importance would be attached to the experiments which had been made behind the back of the prisoner, in order to manufacture evidence against her. Would it not have been fair to ask her to show in what position she was when she first missed the child? Why fasten her to the expression that she knelt in the bed, and then employ Superintendent Wolfe and Mrs. Dallimore to make experiments to show that it was impossible her statement could be true? If the intention had been really to ascertain the truth, why was not the same measure of justice meted out to the prisoner which was afforded to the other inmates of the house, and why had this girl alone been denied the opportunity of demon-

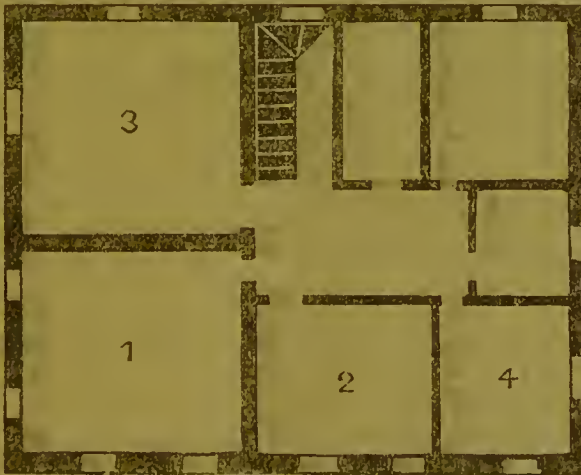


strating the position from which she had missed the child? These were the three only points in the evidence adduced on which he thought it necessary to offer any observations. He might express the hope that the magistrates were not going to commit the prisoner for trial, not because there was evidence enough to warrant them in doing so, but because it was a kind of tentative process to which they were invited by the prosecution, in the hope that something else might turn up. He could not suppose that, whether the prosecution was or was not encouraged or sanctioned by the law officers of the Crown, they would allow themselves to be made the instruments of such a dirty proceeding—a proceeding which could not fail to be detrimental to the cause of truth, and subversive at once of every rule of law and every principle of justice, natural as well as legal.



FIRST FLOOR.

G, Spare Bedroom; W.C. Water Closet; F, Mr. and Mrs. Kent's Bedroom; K, Mr. Kent's Dressing-room; N, Nursery; B, Bed; C, Girl's Cot; D, Cot of the Murdered Boy; A, Dressing-room; L, Lumber-room. The room not marked is an unoccupied one.



SECOND FLOOR.

1, Young Ladies' Room; 2, Miss Constance Kent's Room; 3, Spare Bedroom; 4, Servant's Room. The other rooms unoccupied.

#### THE PRISONER, MR. KENT, AND MISS CONSTANCE KENT.

God forbid that he should attempt to cast suspicion upon any individual, but he could not help saying that if Mr. Kent were to be placed at the bar the evidence against him would be far stronger than that which had been produced against this poor girl. Did he make no different statements about the blanket? Well he might! Well the poor man might in the agony and distraction of that dreadful morning! Well, indeed, might it have been said that his mind was in such a state that he hardly knew what he was saying, and no reliance was to be placed on any statement he made that morning! What did he lock the police up for? He has explained it, and, no doubt, theory, as well as justice, believe that it was a satisfactory explanation, so far as he was concerned; but if he were on his trial, what would be said about it as compared with the evidence against this girl? The evidence against this girl is considerably weaker than that against Miss Kent, who has been already tried here, and weaker than it would be if Mr. Kent were arraigned

in the same manner, and the same tortuous process, the same sort of ingenious reasoning applied to his conduct, as have been applied to the conduct of this poor girl before them.

### CONDUCT OF THE ACCUSED.

The learned counsel next enlarged upon this point. He said—"I must ask you to look to her conduct through the whole of these transactions, her evidence before the coroner, her evidence in the case of Miss Constance Kent, the conversations she had with the police, and the conversations she had with other parties, and I ask you was there ever a case in which such numerous statements bore about them so thoroughly genuine a stamp of accuracy and of truthfulness. So far as any substantial variance was concerned, there was none to be found throughout her account of the proceedings of that melancholy night from the first time when she presents herself to Mrs. Kent in the morning, down to the last statement she makes on oath. They are all substantially the same. She went to bed about 11 o'clock; the door was left open some little way, Mrs. Kent having herself desired that the door should be left ajar, and she went in herself the last thing to see her children in that room. She (the accused) said she slept the whole night, and she explained the reason—that she was tired with excessive labour the previous day. She did not wake till 5 o'clock, and then she gets up, or kneels up—and then she misses the child; she doesn't go to Mr. Kent's room, as she subsequently explained, she thought Mrs. Kent had heard the child crying, or had come in and found the child awake. From the beginning to the end she supposed that Mrs. Kent had taken away the child, and knowing that Mrs. Kent was an uneasy sleeper, she does not like to disturb her, and she lies down and goes to sleep again, and awakes again a little after 6 o'clock. If she thought her mistress had taken the child away, where was the necessity of mentioning it to Emily Doel? What did she then do? She goes at a quarter to 7 o'clock—having employed the interval in reading her Bible and saying her prayers, which she was in the habit of doing. She goes at a quarter to 7 and knocks at the door, and because that knock is not heard by Mrs. Kent (who sleeps more soundly towards morning than in the early part of the night) and Mr. Kent, who slept more soundly on that night than he had ever slept before—and because that knock is not heard, you are asked by these ingenious speculators who conduct the prosecution to infer that she told a falsehood. At a quarter past 7 she presents herself again, and then she is heard. She asks Mrs. Kent, "Have you got the child, Master Saville?" She replies, "He isn't here," and tells her to try in the young ladies' room, and see if the child was there. Mrs. Kent saw nothing strange about it. Was it a far-fetched notion in her mind (the prisoner's) that she had taken it away, though she had never done so during the time she (the accused) was there? But Mrs. Kent had qualified her evidence by saying, "If I took the child away it must have been with the knowledge of the prisoner." No doubt that was in her favour. It was clear she did sometimes. She had previously done it when the former nurse was there, and was it an unnatural supposition on the part of the accused that Mrs. Kent, leaving her child restless, and knowing, also, that a pill had been administered, had come into the room to see how the child was getting on, and had removed it? Then follows the scene. The child is missed, and then there is this contradiction about the blanket. One of the Misses Kent is called, and she says that she does not recollect whether she heard that the blanket was lost before the body was found. Mr. Kent heard of the loss of the child, gives some directions, and hurries off to Trowbridge for a policeman. He came back, and the body had been found, and brought into the house. Does the prisoner act like one who knows anything, or who had any observation or knowledge of that dreadful deed? She remains there subject and open to investigation. It was asked by the chairman if Mr. Kent had been seen speaking to her before he left. I don't know that there is anything in that, but she was seen upon the lawn and in the kitchen, goes about the premises, observes the drawing room window, and tells what she saw about the footsteps, and which is corroborated by Mrs. Kent. She was in the kitchen when the men came in, after searching the water-closet, and said they had found nothing, after searching a long time: and then she observes, "And you won't find anything now," a remark which anyone might have made. She remains there the whole of the next week. She doesn't conceal anything, and she says, "If I knew anything about the murder I would tell: what advantage would it be to me to keep it secret?" She remains within the walls of that afflicted household for two months; the police have had her under their surveillance the whole of this time, and she never supposed that the slightest suspicion attached to her, except the broad fact that she slept in the room from which this child was taken on the very night on which the deed was committed. Hearing of her condition, in which she is subjected day after day, and week after week, to this sort of inquisitorial investigation by the police, her father comes after her, and takes her away with him, and she sends a letter to Mr. Superintendent Foley, telling him of her arrival, and saying, "If I am wanted, to throw any additional light on the matter, here I am." She knows nothing of the fact that Mr. Slack has thought proper to subject her to his analytical inquiry, where she has no professional man to watch over her interests. To her amazement and astonishment, as well as her family, like a thunderclap it falls upon her—she finds that a policeman arrives at her father's house, armed with a warrant for the purpose of bringing her here. Can you fix upon one single fact in her conduct throughout this transaction on which there is even a *prima facie* case against her?

The Learned Counsel concluded by thanking the bench for the courtesy, impartiality, and patience which they had shown throughout the case, and hoped that in the interests of truth and justice they would declare there was no evidence to warrant sending his client for trial. (The learned gentleman's speech, which occupied about three hours in delivery, was at the conclusion loudly applauded.)

### DISCHARGE OF THE PRISONER.

The magistrates then withdrew to deliberate in private, and were absent about half an hour. On their return,

The Chairman said: We do not think that a sufficient *prima facie* case has been established for



committing the accused to gaol, and thus to cast a certain stigma upon the character of one who has previously borne an unblemished reputation, and whose conduct, as far as it has come before us in this matter, with the exception of one or two facts to which I need not allude at length, is without reproach. Considering how much curiosity has been exhibited relative to this dreadful affair—the anxiety naturally exhibited by everybody connected with the family, the officious inquiries of those who are merely curious, and official investigations of the authorities—it is remarkable that he should see no appearance, even if we could suppose her to be guilty, either of a sullen reserve on the one hand, or of an affected frankness on the other. When so many persons have expressed opinions as to the mode in which this murder was done and the motives which suggested it, I am not surprised that she should have followed the general example and framed a hypothesis of her own. I do not say that there is no material evidence before us which may hereafter, perhaps with additions, be in some way or other acted upon. Therefore, the decision of the magistrates is, that, although they will not commit her for trial, they will hind her to appear if she should be wanted again. Sureties to a moderate sum will be required. Some observations have been made by Mr. Ribton, perhaps not unnaturally, reflecting strongly upon the mode in which Mr. Slack had conducted his inquiries. We think it our duty to say that, judging from what has come before us, we do not think anything like misconduct can be attributed to that gentleman.

The decision of the magistrates was received with some cheering from the part occupied by the public.

Mr. Ribton: As far as Mr. Slack personally is concerned, I do not mean to say anything offensive to him, because I have no doubt he discharged the painful duty intrusted to him with ability and discretion. My remarks applied to the inquiry itself.

Mr. Dunn denied having put questions to any of the persons examined by Mr. Slack. He had simply suggested, on one or two occasions, that such and such a piece of information could be got from a particular witness. Mr. Dunn observed, after some further explanation, that he has been advised by one of the most able barristers of the western circuit. He was most desirous that this murder should be traced to its origin, and the murderer discovered; and in promoting that he was ready to lend any assistance in his power.

The Chairman said that, when he considered the refusal to allow a plan of the house to be taken and the locking up of the policemen in the kitchen, he found it impossible to say that Mr. Kent had been well advised. He did not mean to say a word disrespectful of Mr. Dunn, as representing Mr. Kent, but if Mr. Dunn went on in the same spirit the less he said for Mr. Kent the better (cheers).

Mr. Edlin remarked that he was instructed by Mr. Dunn, on the part of Mr. Kent, to afford every facility to the magistrates and the police in the prosecution of their inquiries. The police, indeed, had had the run of the house for weeks. When the plan was spoken of Mr. Kent had no information as to the parties against whom it was intended to proceed, and for anything he knew the unjust prosecution of his daughter, which had been condemned by high legal authority, might have been followed by some other proceeding equally groundless.

The prisoner was then discharged, a verbal bond being taken from her uncle, Mr. Arthur John Spaekman, of Blackheath, to produce her, if required, under a penalty of £100.

The accused preserved the same calm demeanour and self-possession which she had exhibited throughout the inquiry to the end, and on leaving the justice-room she retired to an adjoining apartment, where she was received by her relatives.

(From the *Times* of October 22nd.)

SIR,—There are certain points connected with the Road murder which do not appear to me to have been sufficiently dwelt upon; I beg you will allow me to make a few brief observations upon them.

It seems to be the general opinion that the murder was committed by, or with the connivance and aid of, some inmate of the house. Now, most of the inmates of the house were relatives of the murdered boy. In examining the evidence against the various possible culprits it is therefore necessary to discard the arguments which have been pretty extensively pressed—that the boy's father, or mother, or sister could not have been his murderer, because they were his father, his mother, or his sister. We know that parents have murdered their children, and sisters their brothers, since the world began, and will do so again before the world ends, and it remains to be seen whether a crime of that atrocity has now been committed.

Great stress has been laid upon the fact that Mrs. Kent is supposed to have been a light sleeper, and that she was in a peculiar state of health that rendered her morbidly watchful; but, as there is no doubt that some person removed the boy from the room next to her without being heard by her, it is clear that she slept sound enough on the night of the murder not to hear what was done; therefore her alleged wakeful disposition proves nothing. Moreover, all sick nurses know how apt invalids are to protest that they have not closed their eyes, when they have unconsciously slept soundly for many hours.

It did not appear clearly in the evidence whether Mrs. Kent was asleep or awake when Mr. Kent first retired to bed, nor did it appear whether she had any means of knowing at what precise time he came to bed. She stated that he had not left her side for more than a quarter of an hour during the night. How did she know that? Did he leave her side at all? At what time, and for what purpose?

No traces of the murder have been discovered on the premises—no bloody clothes or knife have been found. Yet there was a pool of blood on the floor of the privy, and it

seems scarcely possible that such an act could be committed without leaving some stains on the clothes of the murderer. Ought we not, therefore, to ask which of the inmates had the best opportunity of disposing of such evidence of crime before the police arrived—before any search took place—before there was any suspicion of murder at all? Mr. Kent is stated to have left the house in his carriage to seek a policeman who lived at a distance. What sort of a carriage did he travel in—who ordered it—who prepared it—who saw Mr. Kent enter it—did he leave the premises alone, or accompanied by a servant—who did he meet on his journey—is the precise road he took known—has it been searched thoroughly—what sort of a horse did he drive—was it a spirited animal that would not stand while its master absented himself for a short time; or a quiet, dull beast?

The nurse's conduct, to say the least, appears suspicious; it was undoubtedly grossly negligent, yet Mr. Kent has shown no *animus* against her. He did not even dismiss her from his service after the event, while he had no scruple in casting suspicion against a discharged nurse, who has been shown to have had nothing to do in the matter.

On the other hand, the nurse, describing the murdered child as a nasty little tell-tale, and openly avowing her suspicions of Constance Kent, has spoken highly of Mr. Kent's character for kindness to his children. Between Mr. Kent and the nurse there is clearly no ill-will.

Everything tends to indicate that the murder was committed early in the night. Had it been committed before Mr. Kent went to bed, and had he had a share in it, any noises in the house would have excited no suspicions in the inmates, and would have been easily explained by him had they disturbed any of the family. In that case the dog would not have barked, there would have been plenty of time to arrange the bedclothes, and to prepare any bloody clothes for removal in the carriage in the morning. Why did Mr. Kent lock up the policemen? The men are said to have been sent to his house to protect the family; against whom, or what, and how could they do so if they were locked up?

It is very possible that some or all of these questions may have been already answered satisfactorily for Mr. Kent, but it does not appear from the published evidence that they have been; they are in everybody's mind and in everybody's mouth, and it is for the interest of Mr. Kent, if he is innocent, and for the interest of justice, if he is guilty, that they shall be publicly met and dealt with.

COMMON SENSE.

Sir,—A sentence of which I was the author is misquoted in the excellent letter of "Common Sense," in the *Times* of Monday. Mrs. Kent has never stated that her husband "was not away from her side for more than a quarter of an hour" on the fatal night; but that, "had Mr. Kent been away a quarter of an hour she must have known it." The question, "Where was Mr. Kent during that quarter of an hour?" is therefore irrelevant.

"Common Sense" is wrong in supposing that Elizabeth Gough has constantly exculpated Mr. Kent to the incrimination of Miss Constance. She has expressed her strong conviction that "it could not be Constance," but has shown her discretion—if, indeed, she is not guilty—in expressing no unfounded suspicion of any one.

That the precincts of the road leading to Trowbridge should be more carefully searched than they have yet been, and that the possibility of any article of attire having been burnt by the library fire—if such existed—while the police were bolted in to the back premises—not kitchen merely—should be considered, I would strongly urge.

Demeanour is a most uncertain test, but so far as it goes, I am bound to say that Elizabeth Gough has repeatedly assured me, and also others more competent to judge than I am, of her entire innocence, with an earnestness and apparent sincerity calculated to impress us with the truth of her affirmation. So far from her having been observedly intimate with the family subsequent to the occurrence, it is a fact that outwardly at all events they treated her with marked reserve and suspicion, and did not permit either of the children to sleep in her room.

The disappearance of Miss Constance Kent's night-dress has been greatly misunderstood. Nothing has been proved rendering it at all impossible that one of her dresses, clean or soiled, was destroyed on the night of the murder. Whether it was abstracted from her bed, her drawers, or from among the clean clothes just returned from the wash, that night remaining in the lumber-room, has not been shown.

Your correspondent, dating "Oxford," in the *Times* of yesterday, suggests that the place in which the child was found might yet contain the knife. I am in a position, from personal observation, to speak to the contrary. The seat, floor, and roof have been either taken up, or thoroughly examined.

The suggestion in your leader of Saturday has been attended to and police *surveillance* of the house, if not more active operations, has been resumed.

I am, Sir, yours faithfully,  
ALBERT GROSER.

Frome, Oct. 24.



## CONCLUSION.

THE history of that tragic mystery, so far as human eye can at present read it, is now complete. The whole machinery of justice has been set in motion without avail. The charge against Constance Kent was an imprudence—that against Elizabeth Gough was a burlesque. It never was intended or expected that anything would come of it. The transaction was got up in deference to the public outcry for a more ample inquisition. But why was Elizabeth Gough made the target of all this forensic practice? We have no wish to disparage the subtlety of Mr. Slack; but did he really imagine that, after his solemn and confidential cross-examinations, there was a possibility of conviction? Some minds, we are aware, are so perturbed by this fearful secret of Road-hill House, that they would subject every one on the establishment, from the mother to Constance, to the Spanish torture, rather than allow the matter to rest. But, however deadly the crime, and however terrible the social danger of suffering it to pass with impunity into oblivion, the innocent have their rights, and it is perfectly monstrous that individuals should stand in the felon's dock, during four successive days, merely in order that a popular demand upon the interference of the Home Office may be satisfied. We fear that attorneys, justices, and policemen, in cases of mystery, are too eager to force artificial testimony where no genuine evidence exists. Sir John Awdry, we are bound to say, was impartial in his capacity as president of the bench; but even he allowed discussions and personalities which were totally out of place. A stipendiary magistrate from London would have disposed of the affair in twelve hours, allowing ample facilities to the counsel engaged. As it was, not only did Elizabeth Gough stand upon trial, but everyone else who slept at Road-hill House that sombre night was chartered to come forward with a denial. Mr. Kent explained, though very equivocally, why he locked the policeman in the kitchen, and why he never went to bed on the Saturday night; Constance also told her story; the nurse's own depositions were read; and the black cloud falls more heavily than ever upon this most unnatural murder. The investigation is over; nothing has been done; and the murder of Francis Saville Kent is locked up in the consciences of its perpetrators, and in the judgment-book of Heaven.







